



From the collection of the

j f d
y z n m k
o Prelinger
u v q s a h
e t s w p c

San Francisco, California
2006

1845

1847

1853

LAWRENCE PUBLIC
LIBRARY

ESTABLISHED 1672

LAWRENCE, MASS.

1/2

THE NORTH AMERICAN REVIEW

EDITED BY GEORGE HARVEY

VOL. CXCIX



Tros Tyriusque mihi nullo discrimine agetur

NEW YORK
FRANKLIN SQUARE
1914

69 672
5000-199

Copyright, 1913-1914, by
THE NORTH AMERICAN REVIEW PUBLISHING CO.

All Rights Reserved.

INDEX

TO THE

ONE HUNDRED AND NINETY-NINTH VOLUME

OF THE

NORTH AMERICAN REVIEW

- Agricultural Credit, What is, 585.
 Alaska, Government Railroads in, 573.
 Also, Why Not Say "Yes"? 254.
 American Railways Justified by Results, 548.
America Through the Spectacles of an Oriental Diplomat, 774.
 ANDREW, A. PIATT. The Crux of the Immigration Question, 866.
 Anti-Trust Programme, Completing the, 528.
 Awakening, The, 282.
 Beauty and Stillness, 93.
 BENET, WILLIAM ROSE. The Good Counsel, 252.
 BENSON, ARTHUR C. A Gentleman, 444.
 Bergson's Philosophy, Some Implications of, 448.
 Book of the Month, The, 145, 294, 459, 617, 774, 937.
 Books Reviewed, 151, 300, 465, 623, 780, 944.
 BRADFORD, GAMALIEL. Madame D'Arblay, 108; Portrait of a Lady: Mrs. Pepys, 756.
 BROOKS, SYDNEY. Some Impressions of Cuba, 734.
 BRYAN.—For President: W. J. B., 27; A Scholar's View Mr. Bryan, 219; Mr. Bryan Rides Behind, 321; Mr. Bryan and his Fifth Assistant, 670.
 BRYCE, JAMES. Goldwin Smith: A Reminiscence, 513.
 BURNEY, FRANCES. See D'Arblay.
 BURROUGHS, JOHN. Science and Literature, 415.
 Can Republicans and Progressives Unite? 353.
 CARTER, MAJOR-GENERAL WILLIAM HARDING, U. S. A. Intervention, 192.
 Christianity and Christian Science, 405; A Rejoinder, 722.
 CHURCHMAN, A. Dr. McKim's "Christianity and Christian Science"—A Rejoinder, 722.
 Church Unity, The Great Stakes in, 240.
 Coastwise Toll Exemption, Trade Discrimination, and Possible Evasion of Law, 540.
 COATES, FLORENCE EARLE. The "Penseur," 425.
 COLBY, F. M. The Book of the Month, 145, 294, 459, 617, 774, 937.
 Completing the Anti-Trust Programme, 528.
 CORWIN, EDWARD S. The Treaty-Making Power: A Rejoinder, 893.
 CROZIER, BRIGADIER-GENERAL WILLIAM, U. S. A. International Settlements, 857.
 Crux of the Immigration Question, The, 866.
 Cuba, Some Impressions of, 734.
 Currency Bill in the Senate, The, 33.
Custom of the Country, The, 294.
 D'Arblay, Madame, 108.
 Death and La Mort, 95.
 De Staël, Madame, 922.
 Dionysian Quality in Victorian Poetry, The, 747.
 Disappearing Right of Private Property, The, 55.
 Distrust of State Legislatures: The Remedy, 684.
 Drama, Music and, 139, 286, 452, 612, 769.

- DUNN, SAMUEL O. Regulation by Commission, 205.
- EDITOR. *See* Harvey, George.
- Enfranchise Women, The National Constitution Will, 709.
- Filipino Capacity for Self-Government, 65.
- FISGUILL, RICHARD. Death and La Mort, 95.
- Flying Inn, The*, 459.
- Fort, Paul: Ballades Françaises, 600.
- Foundation of the State, *The*, 199.
- From the Mountain, 746.
- Gentleman, A, 444.
- GILMAN, BENJAMIN IVES. Super-Democracy, 394.
- GILMAN, LAWRENCE. Music and Drama, 139, 286, 452, 612, 769.
- Good Counsel, *The*, 252.
- Government Railroads in Alaska, 573.
- Great Stakes in Church Unity, *The*, 240.
- Greek Poets, *The Sea in the*, 427.
- GREENE, WILLIAM CHASE. *The Sea in the Greek Poets*, 427.
- GROSSCUP, PETER S. Can Republicans and Progressives Unite? 353.
- HALL, WALTER P. Religion from Another Angle, 902.
- Hardy, Thomas, *The Wessex Novels of*, 120.
- HARPER, IDA HUSTED. The National Constitution Will Enfranchise Women, 709.
- HARVEY, GEORGE. The President's Vision: Is it True or is it Illusive? 1; Entering Section No. 1914, 13; After Huerta, Who? 17; The Railways and the People, 22; Preacher and President, 24; On Restricted Religion, 26; For President: W. J. B., 27; Comment, 29; The Diplomats of Diplomacy, 161; The President's Message, 174; Hetch Hetchy, Again, 176; Helping the Administration, 179; Mr. Zapata—Progressive Candidate, 180; All's Well with Carabao, 183; The Episode at Balangiga, 185; "United We Stand," 187; Consistency in Journalism, 189; Comment, 191; Mr. Bryan Rides Behind, 321; The Honor of the Nation, 335; The Colonel in Chile, 337; The Working of Equal Suffrage, 338; Peru for Peruvians, 343; Back to Peoria, 344; Comment, 349; We Appeal to the President: To Save Mexico; To Save his Party; To Save himself, 481; A Page of Diplomacy, 501; Tenniel and "Punch," 504; Comment, 508; Why the President is Right, 641; On Traitors and Ingrates, 664; Significance of the Bye-Elections, 666; Professor Hart at Sea, 668; Mr. Bryan and his Fifth Assistant, 670; The Cabinet.—I.: A Constructive Department of Justice, 801; Equality Before the Law, 814; The Whole Truth About Mr. Leavell, 827; Comment, 829.
- HILL, DAVID JAYNE. The Foundation of the State, 199; Taking Soundings, 673.
- History, *The Mendacity of*, 910.
- HOLBROOK, RICHARD T. Also, Why Not Say "Yes"? 254.
- HUGHES, HELEN SARD. In the Wake of the Ideal, 262.
- Immigration Question, *The Crux of the*, 866.
- Implications of Bergson's Philosophy, 448.
- Impressions of Cuba, *Some*, 734.
- International Settlements, 857.
- Intervention, 193.
- In the Wake of the Ideal, 263.
- JOHNSON, EMORY R. Coastwise Toll Exemption, Trade Discrimination, and Possible Evasion of Law, 540.
- KELLOGG, DANIEL F. The Disappearing Right of Private Property, 55.

- KELLOR, FRANCES A. A New Spirit in Party Organization, 879.
- KINNEY, J. KENDRICK. A Scholar's View of Mr. Bryan, 219.
- Kipling, Rudyard, Seen Through Hindu Eyes, 271.
- LAUCK, W. JETT. The Right of the Railroads, 42; Letter to Frank W. Stevens, 632.
- Letters to the Editor, 156, 310, 471, 631, 795, 952.
- Literature, Science and, 415.
- MAHAN, REAR-ADMIRAL A. T., U. S. N. "Twentieth-Century Christianity," 589.
- Marxism versus Socialism*, 145.
- MCCORMICK, MEDILL. Republican-Progressive Fusion Impossible, 700.
- McKIM, REV. RANDOLPH H. Christianity and Christian Science, 405.
- McKim.—Dr. McKim's "Christianity and Christian Science"—A Rejoinder, 722.
- Mendacity of History, The, 910.
- Mexico.—After Huerta, Who? 17; Mr. Zapata—Progressive Candidate, 180; Intervention, 193; We Appeal to the President—To Save Mexico; To Save his Party; To Save himself, 481.
- Monroe Doctrine.—Monroe Doctrine Fundamentals, 833; The Real Monroe Doctrine, 841.
- Music and Drama, 139, 286, 452, 612, 769.
- National Constitution Will Enfranchise Women, The, 709.
- National Fences, The, 383.
- New Spirit in Party Organization, A, 879.
- New York's Vote Stolen? Was, 79.
- O'NEAL, GOVERNOR EMMET. Distrust of State Legislatures; The Remedy, 684.
- Our National Fences, 383.
- Panama.—The Railroad Men at Panama, 228; Toll Exemption, Trade Discrimination, and Possible Evasion of Law, 540; Why the President is Right, 641.
- Party Organization, A New Spirit in, 879.
- "Penseur," The, 425.
- Pepys, Mrs., 756.
- Plight of the Railroads, The, 42.
- Poetry.—Beauty and Stillness, 93; The Good Counsel, 252; The "Penseur," 425; Spring Night, 599; From the Mountain, 746.
- Preface to Politics*, A, 617.
- Progressives.—Can Republicans and Progressives Unite? 353; Republican-Progressive Fusion Impossible, 700.
- Railroads.—The Railways and the People, 22; The Plight of the Railroads, 42; The Railroad Men at Panama, 228; American Railways Justified by Results, 548; Government Railroads in Alaska, 573; Letter from W. Jett Lauck to Frank W. Stevens, 632; Reply from Frank W. Stevens to W. Jett Lauck, 635.
- RAVENEL, FLORENCE LEFTWICH. Madame de Staël, 922.
- Regulation by Commission, 205.
- Religion from Another Angle, 902.
- Republicans.—Can Republicans and Progressives Unite? 353; Republican-Progressive Fusion Impossible, 700.
- Revised Ethics, 135.
- RICE, CALE YOUNG. Beauty and Stillness, 93.
- RICE, WILLIAM GORHAM. Was New York's Vote Stolen? 79.
- ROOKER, J. K. Paul Fort: Ballades Françaises, 600.
- ROOT, SENATOR ELIHU. The Real Monroe Doctrine, 841.
- SARATH-ROY, A. R. Rudyard Kipling Seen through Hindu Eyes, 271.
- Scholar's View of Mr. Bryan, A, 219.

- Science and Literature, 415.
 Sea in the Greek Poets, The, 427.
 SEAWELL, MOLLY ELLIOT. Two Suffrage Mistakes, 366.
Shakespeare et la Superstition Shakespearienne, 937.
 SHELTON, CAPTAIN GEORGE HENRY, U. S. A. Filipino Capacity for Self-Government, 65.
 SHONTS, THEODORE P. The Railroad Men at Panama, 228.
 Smith, Goldwin: A Reminiscence, 513.
 Some Implications of Bergson's Philosophy, 448.
 Spring Night, 599.
 State Legislatures, Distrust of, 684.
 State, The Foundation of the, 199.
 STERLING, GEORGE. From the Mountain, 746.
 STETSON, FRANCIS LYNDE. Was New York's Vote Stolen? 79.
 STEVENS, FRANK W. New York Central Finances.—A Letter to W. Jett Lauck, 632.
 Suffrage.—The Working of Equal Suffrage, 338; Two Suffrage Mistakes, 366; The National Constitution Will Enfranchise Women, 709.
 Super-Democracy, 394.
 Taking Soundings, 673.
 TEASDALE, SARA. Spring Night, 599.
 THOMPSON, JAMES WESTFALL. The Mendacity of History, 910.
 THOMPSON, SLASON. American Railways Justified by Results, 548.
 Travel, 609.
 Treaty-making Power under the Constitution of the United States, The, 560; A Rejoinder, 893.
 TUCKER, HENRY ST. GEORGE. The Treaty-making Power under the Constitution of the United States, 560.
 "Twentieth - Century Christianity," 589.
 United States.—The Currency Bill in the Senate, 33; Intervention, 192; Our National Fences, 383; Completing the Anti-Trust Programme, 528; Panama Canal Toll Exemption, Trade Discrimination, and Possible Evasion of Law, 540; The Treaty-making Power under the Constitution of the United States, 560; The Treaty-making Power: A Rejoinder, 893; Government Railroads in Alaska, 573; Monroe Doctrine Fundamentals, 833; The Real Monroe Doctrine, 841; International Settlements, 857.
 UNTERMYER, SAMUEL. Completing the Anti-Trust Programme, 528.
 VAN CORTLANDT, R. B. What is Agricultural Credit? 585.
 Victorian Poetry, The Dionysian Quality in, 747.
 Wake of the Ideal, In the, 262.
 Was New York's Vote Stolen, 79.
 WEEMS, CARRINGTON. Government Railroads in Alaska, 573.
 Wessex Novels of Thomas Hardy, The, 120.
 What is Agricultural Credit? 585.
 WHITE, HORACE. The Currency Bill in the Senate, 33.
 WILLCOX, LOUISE COLLIER. Revised Ethics, 135; The Awakening, 282; Some Implications of Bergson's Philosophy, 448; Travel, 609; The Dionysian Quality in Victorian Poetry, 747.
 WILLIAMS, HAROLD. The Wessex Novels of Thomas Hardy, 120.
 WILSON, CALVIN DILL. The Great Stakes in Church Unity, 240.
 WILSON, HUNTINGTON. Our National Fences, 383.
 Wilson, President Woodrow—The President's Vision: Is it True or is it Illusive? 1; Preacher and President, 24; The President's Message, 174; Helping the Administration, 179; We Appeal to the President: To Save Mexico; To Save his Party; To Save himself, 481; Why the President is Right, 641.
 WOOLSEY, THEODORE S. Monroe Doctrine Fundamentals, 833.



NORTH AMERICAN REVIEW

JANUARY, 1914

THE PRESIDENT'S VISION

IS IT TRUE OR IS IT ILLUSIVE?

BY THE EDITOR

There is but one cloud upon our horizon.—PRESIDENT WILSON.

So begins the year of Our Lord 1914, in the view of the head of the Nation. Is it a true vision or is it an illusion? Is its genesis to be found in the buoyancy of hope or in deductions from experience? A year hence we shall know. To-day we are restricted to conjecture. But, since prudence demands preparedness, let us pause for a moment at this milestone in our National progress and reflect upon conditions which seem to be alive with prospects of good and ill.

Turning our eyes from the blackness upon the Southern horizon to which the President refers, what do we behold? A really cloudless sky? If seemingly not, what are the portents to be recognized, to the end that evils may be averted? May not menace to National well-being lurk in possibilities such as these:

- (1) Subversion of the Constitution.
- (2) Foreign entanglements.
- (3) Business depression.
- (4) Class legislation.
- (5) Defeat of the Administration.

Here surely are clouds to be dispelled if the Republic, as

Copyright, 1913, by THE NORTH AMERICAN REVIEW PUBLISHING COMPANY. All Rights Reserved.

imagined by its founders, is to endure. But are they as dark with foreboding as they seem to be? May we not hope that, a year hence, they will have been effectually dispersed under the wise and firm guidance of a far-sighted Chief Magistrate? Consider in turn.

(1) Subversion of the Constitution.

"I feel confident," said the President to the Congress, "that I do not misinterpret the wishes or the expectations of the country when I urge the prompt enactment of legislation which will provide for primary elections throughout the country, at which the voters of the various parties may choose their nominees for the Presidency without the intervention of nominating conventions,"—and the Democratic Congress cheered loudly. It was a play to the People, to the Masses, to the Majority; it was appropriated boldly from the Progressives and was thought to be popular. That was all, but that was enough. The merits and demerits—for some there are—of the proposal called for no elucidation. To the mind of the President, and apparently to the minds of the Democrats in Congress, it was a subject which the President believed could be "handled promptly and without controversy of any kind." Therein, as the attitude manifested by the Press quickly showed, he erred. The revolution may be effected, but clearly not "without controversy of any kind." Too many persons, as sincere and patriotic as Mr. Wilson himself, gravely question both the advisability and the practicability of a change tending so pointedly from representative government to a pure democracy.

So, too, in our judgment, will misgivings arise in the minds of those cheering Southern Democrats when once they awake to the fact that Federal supervision of nominations inevitably involves Federal supervision of elections. Universal Presidential primaries may come, perhaps should come—we are not now discussing the proposition—but, if so, they will be realized through State, not through National, legislation. The South will see to that.

The disquieting feature of this suggestion lies not in its inherent quality, good or bad, but in the mode of its presentation. That one political party should steal a popular shibboleth from another is not surprising, but that a Democratic President should emulate a law-detesting rival for future honors in calmly ignoring the Constitution is as

amazing as it was obviously unexpected by the country. Surely Mr. Wilson must be aware, not only that our fundamental law affords no warrant for enactment of such legislation as he proposes, but also that the rights of the States in the premises have been upheld by the Courts over and over again. Clearly, if he felt it to be incumbent upon himself to urge a change, his proper course was to recommend the submission of an Amendment, thereby conforming strictly to his oath to "protect, preserve, and defend the Constitution of the United States."

Moreover, there was no need so far as his own party is concerned, since its National Committee had already been directed by its representatives assembled in convention to require that "the selection of delegates and alternates be made through a primary election conducted by the party organization in each State where such expression and election are not provided for by State law."

Since, then, the legislation proposed was unnecessary, could not be effected in the face of certain opposition from the South and, upon its face, would be pronounced unconstitutional, the only possible conclusion is that the President either was willing to "find a way" to subvert the Constitution or that he advanced a revolutionary proposition solely for political effect. Happily, the outcome is limited by both law and fact to the quite negligible consequence of a purely academic suggestion.

(2) Foreign entanglements.

It is a cardinal principle of foreign Powers, and of Great Britain particularly, to protect the persons and properties of their citizens the world over. The patience which they have manifested, at our solicitation, at the devastation in Mexico is unprecedented, as an evidence of special consideration. But how long can it be maintained by any government, however friendly? How soon will it cease to be regarded as a virtue by a powerful Opposition? The Tory journals of England are becoming more critical daily, French newspapers are drawing sharp contrasts between the "ineffectual idealism" of our "watchful waiting" and the shocking brutalities which characterize the fighting in Mexico, and the spokesmen of Germany constantly and caustically inquire how we can justify the policy announced by the President at Mobile.

And how, in truth, can we? Because foreign investors have driven hard bargains in South America in the past, are we warranted in prohibiting the granting of concessions which presumably tend to development of resources in the future?

“What these states are going to see,” declared the President, “is an emancipation from the subordination, which has been inevitable, to foreign enterprises. . . . I rejoice in nothing so much as in the prospect that they will now be emancipated from these conditions, and we ought to be the first to take part in assisting in that emancipation.”

“It is a policy,” added Secretary Bryan, “that has been substituted for Dollar Diplomacy. The foreign capitalist has too often been a disturbing factor in Latin America.”

Now what can this mean? That literally we shall forbid South American governments to make further concessions to European capitalists? Or merely that we shall insist upon supervising the trades and fixing the terms? Countries like Peru and Ecuador and Bolivia cannot uncover their vast resources without the use of quantities of money which they themselves do not possess. If they are not to be allowed to obtain the requisite capital from England or France or Germany, upon the best terms they can make, where are they to get it? Surely not from the Treasury of the United States. Not even Secretary Bryan would propose that. From American investors, then, upon most modest terms fixed by the State Department? Hardly! Our people have never shown a disposition to embark in South American enterprises, even when offered the extraordinary inducements which attracted foreigners. Are they likely now to hazard their fortunes for profits not only prospective but restricted, in far-off lands, when billions of tested securities at home are awaiting absorption? Whence, then, is the “emancipation” by considerate lenders at easy rates to come?

Is it emancipation? Is it not enslavement? By what conceivable right or upon what fancied theory can the United States assume a suzerainty so complete and so far-reaching? That is the question which some South American or European government is bound to raise, and soon, too, with respect to a definite transaction. What will be the answer of the Administration? What can it be? Shall we, if pressed, recede from the Mobile Declaration? Or shall we fight, if

need be, in defense of a doctrine which is obviously untenable? In either case, how would Bolivia or Ecuador or Peru profit from such interposition in favor of "human rights, national integrity, and opportunity as against material interests"?

We cannot but conclude that President Wilson did not perceive the ending of this extraordinary proposition when he launched its beginning. And we can but hope that contingencies likely to result in embarrassment, if not humiliation, to both the country and himself may not arise.

(3) Business depression.

The Secretary of the Treasury, in his first report made to Congress on December 3rd, recalls that "a feeling of unrest began to pervade business circles last April," and congratulates the country upon the immediate effect of his own alertness in announcing that \$500,000,000 of emergency currency provided by the Aldrich-Vreeland Act would be issued forthwith, if the banks should require it to "ease the situation." The relief, he declares, was "instantaneous"; that is, the banks did not need the emergency currency, did not ask for it, and so none was issued. In brief, there was no money stringency, such as he had shrewdly suspected, calling for his somewhat precipitate announcement.

But idle and available funds are ever the *bête noire* of a promoter, and the eager Secretary could not rest easy until he had scattered some of the cash at his disposal among the people. Having heard somewhere that money was required to move the crops, he invited, or rather requested, Western and Southern banks to accept the use of \$50,000,000 from the Treasury vaults. Considerations of partisanship were rigidly excluded from the generous proposal. "It was essential," said the Secretary in his report, "that the action of the Department should be non-partisan and non-political; the crops of Republicans, Democrats, Progressives, and all other classes of people had to be moved, and the earnest effort of the Department was to have the benefits of this action diffused as widely and impartially as possible." Who comprise "the other classes" can only be imagined. Socialists and Prohibitionists, we suppose. In any case, the Secretary firmly informs us that he frowned severely upon any suggestion that the money be tendered exclusively to original Wilson Democrats. Clearly, such a proceeding did

not comport with his conception of the duty of a Secretary of the Treasury—for which, of course, we are duly thankful; but, in all candor and sorrow, was ever such witless demagoguery?

Be that as it may have been, a sufficient number of bankers yielded to temptation to take thirty-five of the fifty millions urged upon them, used it as they saw fit; and the Secretary is now waiting for it to be “gradually repaid.” The fact, of course, is that there was no occasion to make these unusual deposits. There was no currency famine at crop-moving time and there is none now.

It is not lack of money that makes for the existing depression in business; it is lack of confidence. Nothing could be more fallacious than the notion which apparently possesses this Administration that expansion of credits is the sole requisite of commercial activities. The real essential is a market. Prudent manufacturers do not borrow money, even when they can obtain it upon easy terms, for the sake of paying interest, they seek it only when they can use it to advantage in providing goods that can be sold promptly and profitably. All such felt that revival of demand might ensue almost immediately from final enactment of the new Tariff Bill and acted accordingly, greatly to the satisfaction of those who had insisted that no untoward consequences would flow from a mere change of rates. But the happy moment arrived and nothing happened. Merchants not only continued to doubt the wisdom of filling their shelves, but as sales gradually diminished they began to cancel orders increasingly, to the end that, in the latter part of November, there came about what Mr. Samuel Untermyer depicted in his speech to the Economic Club of Springfield as “a sudden and alarming cessation of business activities all over the country,” hardly, if ever, preceded in the history of our industries.

The consequence is that business in all lines is, to-day, at a standstill. And the worst of it is that it is no mere depression; it is positive dejection. The very spirit of enterprise seems to have evaporated for the time. Nobody is even trying to do things. The common disposition is to retrench in every direction, to take no chances while holding fast to such certainties as may exist and generally to adopt a policy of what the President would designate as “watchful waiting.”

The President himself is convinced that prompt passage of the Currency Bill would start the wheels of industry a-whirling. We doubt it for many reasons, not the least of which is that the sole basis upon which he rests his sanguine anticipation is that it is only necessary "to set credit free from arbitrary and artificial restraints." That is a desirable thing to do, no doubt, and certain ultimately to prove advantageous. But radical revolution of a delicate and complex financial system cannot be encompassed so completely as to produce marked benefits in a month or perhaps in a year. Assuming the passage of the most nearly perfect measure that could be devised by the wit of man, time must be had for adjustment of the many parts of the intricate machinery. Moreover, if, as we have assumed and believe, the present unhappy state of affairs is attributable far less to lack of credits than to lack of confidence, practically no immediate relief can be anticipated from the source to which the President pins his faith.

So far from attempting to affix the blame for the plight in which the country finds itself, we frankly cannot perceive even now how it could have been averted. But none can deny that the condition exists nor that the cloud which represents it is much larger than a man's hand and shows no signs of diminishing.

(4) Class legislation.

Commenting upon the passage, as an Administration measure, of the "rider" to the Sundry Civil Appropriation Bill forbidding the use of money therein appropriated for prosecuting labor unions and farmers' associations for violating the law, we said in this REVIEW for November:

In brief, the proviso was regarded by its sponsors as a mere precursor of a definite amendment of the "substantive statutes" to exempt one class from the punishment visited upon all other classes for criminal offenses against the law. Already signs appear that, encouraged by President Wilson's attitude, Mr. Gompers intends to urge this explicit proposal upon Congress at the coming regular session, in conformity with the prediction of Senator Hughes. The inevitableness of this consequence of the President's action was apparent from the beginning. It becomes evident, therefore, that unless the President can and will control and chain the forces opposed to the fundamental principle of "equal rights for all" which he himself has unloosed, the country will very soon face a determined struggle for class domination whose outcome every patriotic citizen must contemplate with the gravest foreboding.

This prediction was fulfilled promptly upon the first day of the regular session, when identical bills were introduced in the Senate by Mr. Bacon and in the House by Representative Bartlett, who championed the " rider " to the Urgent Deficiency Bill, re-establishing the spoils system in the Internal Revenue department. The proposal is entitled: " A bill to make lawful certain agreements between employees and laborers engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes." It provides:

First. That it shall not be unlawful for persons employed or seeking employment to enter into any arrangements, agreements, or combinations with the view of lessening the hours of labor, or of increasing their wages, or of bettering their condition; nor shall any arrangements, agreements, or combinations be unlawful among persons engaged in horticulture or agriculture when made with the view of enhancing the price of agricultural or horticultural products.

Second. No Federal Judge or court may issue any injunction in any labor dispute or with respect to any agreement or combination to fix the prices of agricultural products unless to prevent irreparable injury to property or a property right of the person making the application for which there is no adequate remedy at law.

Third. That this prohibition is modified by providing that for the purpose of the act certain fundamental rights of property shall not be considered such under certain circumstances, that is, the right to employ or be employed, or to change these relations and assume new relations of employer and employee, or to carry on business with any person in any place, or to earn one's living as an employee, shall be personal and not property rights; and

Fourth. That persons at work or seeking work shall neither be indicted, prosecuted, or tried in any Federal court for entering into any kind of an agreement or combination to better their working conditions or for enhancing the price of agricultural products unless any act which they do in pursuance of their combinations or agreements would be in itself unlawful.

Whatever doubts may have arisen in President Wilson's mind respecting the " intent " of the Congress in enacting the Sundry Civil proviso, which he himself put forward, there can be no possible question of the purpose of this measure. It is direct and explicit. It not only removes every form of conspiracy and combination of labor unions and farmers' associations from the Sherman Act, but it guarantees immunity to both from either civil or criminal liability under every Federal law upon the statute-books. President Taft pronounced its insinuating precursor which President Wilson signed " class legislation of the most

vicious sort." Writing of the Pearre Bill, which embodied the same provisions and was rejected in 1908, President Roosevelt declared unhesitatingly in his Message to the Sixtieth Congress that it "represented a course of policy which, if carried out, would mean the enthronement of class privilege in its crudest and most brutal form and the destruction of one of the most essential forms of the judicial protection in all civilized lands."

The proposal is so plainly abhorrent to the American principle of equality before the law that explication seems unnecessary. Suffice it to say, for the present, at least, that the Bill introduced by Senator Bacon and Representative Bartlett was, in fact, formulated by the American Federation of Labor under the direction of Mr. Gompers, precisely as we foretold.

Simultaneously, Representative Robert L. Henry, Chairman of the powerful Committee on Rules, added to the amendments to the Sherman Act, which he introduced on December 1st, the following:

Section 10. That nothing in said Act is intended nor shall any provision thereof hereafter be enforced, so as to apply to members of organizations or associations not for profit and without capital, or to agricultural products, or live stock, in the hands of the producer or raisers.

Here again is complete exemption to be accorded without reserve or qualification by "substantive law." Representative Henry justified his action in the following statement to the Press:

Section 10 provides that the Act shall not apply to members of organizations not for profit and without capital stock, or to agricultural products or live stock in the hands of the producer or raiser. The exception is deemed proper for the simple reason that, under an appropriation bill recently passed and *signed by the President*, Congress provided that no part of a fund appropriated and placed at the disposal of the Attorney-General should be used in the prosecution of those belonging to labor organizations, etc. This shows the national will and intent as expressed by Congress.

Mr. Henry's deduction is entirely logical. If it was proper to withhold funds for prosecution of a class from one appropriation bill, it is equally right to withhold them from all. Mr. Henry's bestowal of responsibility for such proposals upon the President also is fully warranted. He might indeed have gone further and said with absolute truth "instigated" as well as "signed" by the President.

The Henry Bill is not the Administration measure. That is yet to be formulated to conform to the promised Message. But nothing could be plainer than that the time is distressingly close at hand when President Wilson must choose between disappointing the powerful class whose hopes of special favor he himself has raised and fulfilling his own solemn pledge to the American people to oppose with all his strength "every form of special privilege and exemptions" while holding himself as President dedicated to "the common as against any particular interest whatever."

Is not here a cloud upon President Wilson's sky which cannot be descried, say, upon Mr. Taft's or, perhaps more significantly, upon Mr. Roosevelt's?

(5) Defeat of the Administration.

It is an Administration Congress. President Wilson assumed command, as leader of his party, immediately upon his election, and he has maintained his authority by sheer driving force, supplemented by discriminating use of patronage. No signs appear that his hold will be weakened or that his predominancy will be seriously questioned during the present session. Inevitably, therefore, and more specifically, perhaps, than ever before the country will render a verdict upon the Administration at the Congressional elections in November of the coming year. If the Democrats carry the House of Representatives, the President will have won a notable victory; if they fail to hold a majority, he will have suffered an irreparable defeat. There is no question in our mind as to how the people would vote to-day. They would sustain the Administration, not merely through a division of the opposition, but gladly and avowedly as a tribute to Mr. Wilson's earnestness and devotion to duty, and to give him full opportunity to develop his policies. The vital result in November will be determined wholly by what shall be done affirmatively and what shall happen incidentally in the mean time.

What are the prospects in the light of past experiences and present conditions? The House now comprises 291 Democrats and 144 Republicans (including the few Progressives and as of the beginning of Congress). The Democratic majority—147—is so great that a reversal in two short years seems to be practically inconceivable. But let us see. In 1886 the Democrats retained the control they had won in

1884, along with the election of Mr. Cleveland, but their majority shrank from 84 to a scant 15. In 1892 they swept the country, only, as a consequence of tariff legislation and hard times, to reap disaster two years later. The comparison is striking:

	Democrats.	Republicans.
House elected in 1892.....	220	126
House elected in 1894.....	104	246

During those two years the Democrats lost 116 members out of 220. If, this year, they should lose 74 members out of 291, they would forfeit control of the House of Representatives and of all legislation.

The fact, too, must not be overlooked that the majority in 1892 was a real majority won against a united opposition, whereas the present majority is only apparent. Just as Mr. Wilson is a plurality President, so is the Democratic House a plurality House. If Republicans and Progressives had voted together in 1912, they would have had a majority of 12 in the present House.

Take New York as an example. Its delegation stands: Democrats, 32; Republicans, 11. A fusion of Republicans and Progressives would have resulted: Democrats, 16; Opposition, 27. New Jersey is represented by 11 Democrats and 1 Republican. Fusion of Republicans and Progressives would have elected 5 Democrats and 8 Opposition.

True, a complete union of Republicans and Progressives at the forthcoming elections is beyond power of accomplishment, even though an understanding should be reached by the leaders. With only Republicans and Democrats in the race, a certain proportion of the Progressive vote would go to the Wilson candidates. Whether this percentage would suffice to offset the effect of Democratic disaffection in States like New York and Illinois is a question. Whether it would overcome the far greater and incalculable consequence of continuing and increasing business depression, lack of employment for hundreds of thousands of workingmen and disgust at income taxation, added to the normal reaction which invariably follows a Presidential victory, is even more problematical. Enough has been said, in any case, to show that little dependence can be put upon faith in maintaining a majority simply because it is large; the record of 1894 indicates how quickly it may disappear entirely. Nor, in our humble judgment, should too much

reliance be placed upon a continuance of Mr. Roosevelt's obduracy. None realizes better than that most astute of politicians that, to win the Presidency in 1916, he must (1) defeat Mr. Wilson in the Congressional elections and incapacitate him for the remainder of his term, (2) avert further disclosure of the numerical weakness of his own party, and (3) reconcile Republicans and business men generally to his candidacy. For ourselves, we shall be greatly surprised if the movement looking to a union of forces already inaugurated by Mr. Roosevelt's personal lieutenant, Comptroller Prendergast of New York City, does not eventuate in sharply drawn lines between the Democratic party and the Opposition in the coming November elections.

This is but political speculation, to be sure; it could hardly be magnified, therefore, into a cloud upon the horizon of a properly sanguine President; but, as what they upon the golf-links call a fine Scotch mist, we confidently reckon its claim to be worthy of passing consideration.

We shall not dwell upon other causes of disquietude which readily occur to mind. We wish that we could share the President's apparent optimism, and would be the last to increase his difficulties by direful prophecies. But it is necessary to recognize conditions if we would overcome them, and it is idle to deny that the situation at the beginning of this fateful year is one calling for the exercise of supreme wisdom, rare courage, and patient tolerance. The truth is that the duties and responsibilities of a President of the United States have grown to be almost greater than one man should be called upon to bear. And Mr. Wilson, by temperament, by inclination, and by circumstance, stands singularly alone. Of his chief official aides and advisers, barring Mr. Bryan, who has constituted himself a sort of President Emeritus, but two—the Attorney-General and the Secretary of War—have so far impressed upon the country a sense of their full fitness for the headship of great Departments.

That the President himself has erred grievously in some respects we have felt impelled to indicate as clearly as might be, to obviate, if possible, unfortunate repetitions, but much, very much, is atoned for by his extraordinary faithfulness to duty. We doubt if among all of Mr. Wilson's predecessors can be named a President who gave himself so completely, so unsparingly, to his work. He need

have no apprehension whatever that the country fails to recognize and appreciate to the utmost his really splendid application to the public service, but the fact that self-sacrifice such as this merits exceptional consideration cannot be too frequently or too strongly emphasized.

We cannot but believe that defeat of the Administration in November would be a National calamity. We sincerely hope, therefore, that the clouds which we seem to perceive may disappear like mists from the face of the sea; that peace may be unbroken, that prosperity may be restored, and that the spirit of contentment may again possess the souls of men in this most blessed of lands in a Happy New Year.

ENTERING SECTION NO. 1914

THE signal is set and the train stops abruptly at the beginning of Section 1914. Five minutes for scrutiny of self and examination of trunks full of deeds! Can we pass the Customs unscathed? Shall we read approval in the eyes of the Great Commissioner of Humanity?

Years ago a wise man dreamed a dream. He, too, was a passenger on the main line of life and awoke with a start when the halt came. The travelers who alighted were of all sorts and conditions. There were ministers of state and titled personages, archbishops and bishops, opulent men and sumptuously attired ladies, from the Pullmans; an English duke and his duchess and an American millionaire and his vivacious second wife from their private cars. There were salesmen and farmers, scholars and editors, artists and writers, secretaries and typists, workingmen and tired women, beggars and thieves, from the coaches.

All were eager to hasten onward to their destinations and all were provoked by the delay. The ministers grumbled, the millionaires swore, the vulgar women scolded, even the high-born ladies betrayed impatience. Only the laborers and school-boys joked and laughed while they jostled their neighbors, while those of broken spirits, the poverty-stricken, the sick and needy, the worn and weary, were dully indifferent. But one of all the number seemed buoyed by hope and expectancy. She was a distinguished-looking lady in deep mourning. Her husband, it appeared, had been

stopped at the same station not long before and she thought it possible that she might see him again. The station-master looked at her more gently than at the others. She had said nothing, but he knew what was in her mind, and the irony passed out of his face. To those who complained most loudly of their detention and demanded to know why they were not sent forward he said curtly, "You will see."

Presently a bell rang and the door of the customs-house was flung open. The impatient travelers crowded inside and began an eager search for their belongings. In vain. The station-master announced dryly that the luggage would be forwarded by the next train. The late owners would have no further use for it, and it would be delivered to their friends. What could this mean? Before a single passenger could voice his amazement and indignation, each beheld upon the long table a plain box labeled with his name. The lids flew off, and, within, instead of clothes and hats and jewelry, were samples of work done by each for the general good—how much he had done for society and how much he had received in return. None, it appeared, could proceed if the balance were against him.

Immediately a well-dressed gentleman, supported by others of like appearance, protested. He had been amply provided for from birth, he had lived as became a gentleman, he had never robbed or cheated, he had paid handsomely for what he consumed, he had given generously, he had kept the Commandments according to the interpretation put upon them by his class, he had never been told that he must work, as one compelled to earn a living; why should he? The whole proceeding was an indefensible outrage. He would appeal to a higher court.

"Ladies and gentlemen," sighed the official, "there can be no appeal from a law of nature. There are but three ways of living: by working, by stealing, or by begging. Those who have not lived by the first have lived by one of the other two, for not a meal can be had that some one has not worked to produce."

So a large majority of the Pullman passengers and even the duke and his duchess were told to stand aside, and the thieves and vagabonds came forward. Their plea was simple enough. They had not sought existence, but, having been brought into the world against their wish, the world owed them a living and they must get it as best they could.

"We have heard that before," was all the official deigned to reply.

Then up spoke an earnest-looking man whose work had borne inspection better than that of most of the others. So far as he was concerned, the examiners might spare their labor. He had no excuses to offer. From his earliest years he had known what he ought to do, and in no instance had completely done it. He had conquered some faults, but his power of acting had never been able to keep up with his constantly growing knowledge. The sense of his shortcomings became stronger daily. Indeed, he had come to realize that the very best he could do would be unworthy of acceptance—and none knew better than he that he seldom did even that. He had been told that, if he abandoned claim on the score of his own merit, he might be received for the sake of what another had done. He hoped this was true. It was his only chance.

The chief examiner listened attentively; then, looking kindly at him, replied:

"We do not expect impossibilities, and we do not blame you for not having accomplished what was beyond your strength. Human beings are born ignorant and helpless. At first they cannot do rightly at all. They improve under teaching and practice. They learn to walk by falling down. They learn to live aright by going wrong. We do not record his early sins against a man if he has been honestly trying to improve himself, whether he fully succeeds or not. No one has power to fulfil the law completely. Therefore, it is no crime in him if he fails. We reckon as faults only those which spring from idleness, wilfulness, selfishness, and deliberate preference of evil to good. Each is judged according to what he has received."

Thereupon the decrees were entered and all went their various ways. The duchess was sent to begin her life again in a laborer's cottage, finally to become a housemaid. The fine gentleman was made a plowboy. The preachers were to become mechanics; the artists, blacksmiths; and so on down the line to the thieves and cheats who had attributed their sinning to poverty. They were to awake in palaces surrounded with luxury.

"They will all be here again in a few years," the station-master said, "and it will be the same story over again. They have been tried in all positions, and there is still

nothing to show, nothing but complaints of circumstances. Some of the worst, I have known made at last into pigs and geese, to be fattened up and eaten, and made of use in that way. Others have become asses, condemned to carry heavy burdens, to be beaten with sticks, and to breed asses like themselves for a hundred generations. All finally take the shape that suits their character. For my part, I would put most of them out altogether; but that is not for me to say."

So ended the dream of the great nobleman or of the archbishop, or of both, as recounted at much greater length by Mr. Froude.

It is a striking allegory and characteristic of the dour man who conceived it. But Mr. Froude lived and died solely in his quite wonderful mind, and even that was analytical rather than philosophical, despite his own belief to the contrary. Whether he was born incapacitated for affection, or so abundantly endowed with the power of reasoning that his natural instincts became blunted in later life, is wholly conjectural. It seems strange that his nature should have been so little influenced by his own matchless transcript of the powerful argument of Origen in reply to Celsus, which stands to this day as the deductive basis of the Christian religion. For Froude was no scoffer. How sympathetically, almost tenderly, he speaks of the discouraged man who found his last hope in the assurance that, regardless of his own shortcomings, he might be received for the sake of what another had done! And then his sigh of relief at the station-master's final declaration that, however just might be the sentences which he would impose upon faultful humans, it was not, after all, for him to say! Here appear most vividly signs of innate simplicity and sincerity of spirit.

What Froude lacked apparently was faith. He should have accompanied Saul on that most famous and inspiring of journeys from Jerusalem to Damascus and learned to ask, with the great Apostle, in deep humility, yet unafraid, "Lord, what wilt thou have me to do?" That is what is happening really, increasingly, and notably throughout our own country to-day. More and more, men and women are realizing that they can do little for themselves except as they do for others. It is a new kind of personal service that is coming to possess the minds and hearts of our people—a kind that finds its impulse less in a sense of arduous

duty and more in a spirit of keen desire. In the face of so glowing a fact as this, the fretfulness and envies and mutual distrusts which we cannot but perceive and lament become as the merest trifles dotting the way of constantly advancing civilization. No; as a nation and a people we can pass the Customs at the end of Section 1913, if not unscathed, at least without severe reproach.

The track is clear. Send on the train!

"Where the mind is without fear and the head is held high;
Where knowledge is free;
Where the world has not broken itself up into fragments by narrow domestic walls;
Where words come out from the depth of Truth;
Where tireless striving reaches its arms toward perfection;
Where the clear stream of reason has not lost its way into the dreary desert sand of dry habit;
Where the mind is led forward by Thee into ever-widening thought and action;
Into that haven of Freedom, O Lord, let my country awake!"

AFTER HUERTA, WHO?

WE quote from the *Utica Observer*:

It is necessary in preparing articles for a monthly publication to do so some weeks in advance of their issue, and one who reads the current number of *THE NORTH AMERICAN REVIEW* will be astonished in the perusal of this article of Colonel Harvey's, as it is written from the standpoint of some weeks ago; and as luck would have it, Colonel Harvey's predictions and estimates have failed to materialize. His forecast as to the sequence of events fails in every particular, and his positive assertion as to the fate of President Wilson's Mexican policy falls flat. . . .

All of which shows how very short-sighted a man will be, even though he may be a student of the affairs of the time and the directing mind of a publication of such pretensions as *THE NORTH AMERICAN REVIEW*. . . .

It may be believed that Colonel Harvey will in the future pay more attention to the cultivation of foresight and not be quite so ready to attack those measures upon which Woodrow Wilson has given his deepest thought and most careful study.

Our contemporary errs entirely with respect to the facts. The only "forecast" we made was implied in the assertion that the inevitable effect of President Wilson's original insistence was to rivet Huerta in his place, "there to remain, in all probability, until removed by force of arms." If there

now exists any ground for reversal of that judgment, it is not discernible.

We said the President's policy had failed. What was that policy? It was set forth clearly in the conditions prescribed by Mr. Wilson and made known to Huerta by Mr. John Lind, to wit: (a) to cease fighting, (b) to give security for an early and free election, (c) Huerta to bind himself not to be a candidate, and (d) all parties to agree to abide by the result. This virtual ultimatum was delivered in August. It is now December and fighting is more general than ever, there has been no election of an executive, Huerta is still President, and no one of the parties will agree to abide by any result except the establishment of its own complete supremacy. If that is not failure of a plan, what is it?

No doubt the President gave the subject his best thought and study, as he should have done, but the outcome remains the same. The fact is, as we pointed out and as Dr. Theodore S. Woolsey, Professor Emeritus of International Law in Yale University, states more bluntly, the Administration "started wrong" and has felt obliged to persist in its course. "So far as the American public has been informed," Dr. Woolsey continues, "this is the sum and substance of Wilson's policy—never to recognize Huerta nor his Congress—and for the reason that Huerta is so bad a man. Meanwhile, the Administration, upheld by its good intentions, optimistic that Huerta, under the weight of disapproval, will climb down from his high horse, is exposing itself to the derision of an uncharitable world. . . . Our policy should be to strengthen somebody in Mexico, not to weaken everybody; to build up, not to pull down. In refusing *ever* to recognize Huerta, the Administration has violated our usage and the dictates of common sense. Is it honest enough and strong enough to correct its blunder? There is an obstinacy of strength; there is also an obstinacy of weakness."

These are vigorous words from our highest authority; too vigorous, it seems to us, in one particular. It is quite true that "an uncharitable world" has questioned somewhat sharply the wisdom and practicability of Mr. Wilson's departure from precedent in international usage, but nobody to our knowledge has "derided" it. On the contrary, his purpose and effort have been commended abroad generally

and in England notably. In our own country, too, the universal disposition has been and still is to hope for a satisfactory outcome. Mr. Taft voiced this common sentiment admirably and manfully in a public speech, despite his reference, which seemed to us hardly called for, to the President's policy as "whatever it may be." The warrant for the observation may have been sufficiently apparent, but it was somewhat of a pity to mar a generous declaration with what many could but regard as a covert, though gentle, sneer.

Moreover, the policy itself is plain enough. It is, as the President frankly said in his Message, one of "watchful waiting" until something shall happen. "And then, when the end comes"—*i. e.*, when Huerta shall be deposed—"we shall hope to see constitutional order restored in distressed Mexico by the concert and energy of such of her leaders as prefer the liberty of their people to their own ambitions." In other words, the Administration believes that it is only a question of time when the rebels, or self-called Constitutionalists, will succeed by force where moral suasion failed and will put out the dictator. It will then meet the situation as it shall then exist. Meanwhile, there is nothing that it can do or ought to do beyond what it is doing in safeguarding, so far as possible, the lives and properties of Americans and foreigners.

However unfortunate this Micawber-like programme may be, we are committed to it, and that is the end of the matter. Here caviling, in such a situation, is wholly idle and might easily come to be regarded with justice as unpatriotic.

This fetches us to the question now on everybody's lips! After Huerta, What? Or should we say, Whom? Because such a thing as free government by the expressed will and consent of the people in Mexico to-day is simply inconceivable. Nobody understands this better than Mr. Wilson himself. Nobody has expressed the fact more truly or more exactly than he did when he wrote some years ago:

Self-government is not a thing that can be "given" to any people, because it is a form of character and not a form of constitution. No people can be "given" the self-control of maturity. Only a long apprenticeship of obedience can secure them the precious possession.

That is what the Mexican people must have—"a long apprenticeship of obedience" to law and order. And some one, backed up by the United States, must enforce that

obedience for a period of years. The President thinks that unselfish leaders may spring up out of the ground—men who “prefer the liberty of their people to their own ambitions.” Maybe so, but we doubt it. The three men in sight now are Villa and Zapata, two of the most bloodthirsty bandits the world has ever known, and Carranza—the amiable Carranza. What of him? The correspondent of the London *Times* found him an agreeable person, of studious countenance, gentle voice, and impaired physical vitality. “It must be by force of character and intellect,” the writer noted, “that he has reached his present dangerously high position.” He continues:

“I am the only leader recognized as supreme by all the chiefs of the revolution,” Carranza told me in his quiet, measured speech, not with pride, but as one upon whom a heavy responsibility lay. “What we fight for is the Constitution of our country and the development of our people. Huerta outraged the Constitution when he overthrew and murdered President Madero. He continues to outrage it by attempting to govern despotically as Diaz did, and refusing to administer fairly the laws, which are equal for all. This revolution cannot cease until either we, the Constitutionalists, triumph, or until Huerta triumphs completely over us. Even in the latter case it would only cease for the moment. It has its roots in social causes. The land, which was formerly divided among the mass of the people, has been seized by a few. The owners of it compel those who are working for them to buy the necessities of life from them alone. They lay a burden of debt upon the poor people and make them virtually slaves, for as long as the people owe them money they cannot go away. If they try to go away, they can be brought back. They can be put in prison. Another cause of the revolution is the growth of a middle class. Formerly there were only the rich and the poor. Now there is a class in between which does not like to see the poor oppressed: which knows what democracy and social reforms mean in other countries, and which is resolved to take successive steps forward in the direction of complete self-government.”

“Have you any definite plans for land reform and other reforms?” I inquired.

He thought a moment. Then he replied: “The first necessity is the fair and free election of a President. The election which is proposed now will be a farce. In the disturbed state of our country it is impossible to hold a proper election. Large numbers of voters will not know anything about it. We Constitutionalists refuse to recognize any President who may be returned at the fraudulent election. We shall execute anybody who does recognize him.”

“I beg your pardon,” I said. “Would you kindly repeat your last statement?” I thought I must have misunderstood it.

“We shall,” the General said, calmly, and as if he were making a perfectly natural remark, “execute any one who recognizes a President unconstitutionally elected and directly or indirectly guilty of participation in the murder of Madero.”

To hear this amiable, scholarly old gentleman define so bloodthirsty and to us so utterly unreasonable a line of action made me feel as if I were dreaming. It threw a strange light upon his profession of belief in democracy. I have no doubt that he sincerely imagines himself a believer in that creed. I am sure that the best of his followers are equally sincere, though of course there are many who fight simply because they prefer disorder and make a profit out of looting. The very fact that the party calls itself the "Constitutionalistas" and not the "Carranzistas" proves that it follows a principle rather than a man. But the discrepancy between their professions and their avowed policy shows how far the mentality of Mexico is distant from that of Europe and the United States, and how impossible it is to apply to it, as President Wilson persists in doing, the same tests and the same standards which obtain in countries where the idea of self-government is a plant of mature growth.

It is the custom of the Constitutionals and Federals alike to execute all the general and field officers who are captured; sometimes other officers, and even men. They justify this by reference to a law of 1862 against fomenting treason. Each side calls the other side "traitors," and the only course to take with a "traitor"—that is, a man who differs from your views—is to shoot him. Several Mexicans have quite seriously told me that Madero failed simply because he tried to make terms with supporters of the old régime of Díaz and his *científicos* (so his ministers were derisively called) instead of killing them. They are mistaken. Madero failed chiefly because he was a bundle of nerves and what Americans call a "crank," and because he promised what he could not possibly perform. He made the poor *peons* think they would immediately be given the equivalent of the English peasant's "three acres and a cow," and they turned against him when they awakened from the dream. But the blame cast upon him for not "removing his enemies" is a sign-post toward understanding the Mexican mind.

Subsequently, writing with like naïveté to the Governor of Arizona in defense of Villa's murdering of prisoners, the benign Carranza said:

With strict deference to the law provided the Huertista officers were tried and executed in the city of Juarez. Among them were some who had been captured at Torreon by this same General Villa, who, after pardoning them, agreed that they should be enlisted by our forces. Thereafter they endeavored, but unsuccessfully, to create a defection of the men whom I intrusted to their command, finally deserting to re-engage in crime.

"It is true," the kindly old gentleman continued, "that the established principles observed in international wars extend to prisoners the privilege of pardon or immunity from bodily harm, but in civil struggles the most civilized nations in all ages have employed more rigorous and bloody means even than we have been compelled to adopt. And with reference to the executions of the officers in the city of

Juarez, there should be perceived not any needless cruelty visited upon prisoners of war, but merely such punishment as was prescribed by the law applicable to offenders against the public peace and safety."

He concluded with the simple statement that he found it necessary to be "somewhat strict in the enforcement of the law of Juarez"; that is, in killing prisoners taken in battle and in "executing any one who recognizes a President unconstitutionally elected." Further revelation of the character of the amiable Carranza is hardly necessary.

High-minded, noble, and humane leaders such as President Wilson has in his mind's eye there may be in Mexico; but if so they have not yet put themselves in evidence.

There seems to be nothing for it, then, but to wait and watch and drift until foreign governments demand action or until somebody performs a miracle.

THE RAILWAYS AND THE PEOPLE

UNDOUBTEDLY the most vital practical problem now pressing for resolution is that involved in the proposed increase of freight railway rates throughout the country. It is not merely "The Plight of the Railways" that Mr. Lauck sets forth so comprehensively and so admirably elsewhere in this REVIEW; it is the plight of the country and, in a sense, of the Administration. Technically, to be sure, the matter is to be determined by the Interstate Commerce Commission, but since a majority of the members of that Commission are about to be appointed by the President, and since, rightly or wrongly, he will be held largely responsible for the decision, the closeness of the relationship is manifest.

One has but to read Mr. Lauck's article to appreciate the many phases and perplexities which must be taken into consideration. There can be no doubt that the railway companies are seriously embarrassed by lack of funds actually needed for betterments and additional equipment, and, at a glance, it seems only fair that they should be recompensed in part, at least, through increased charges, for the enhanced costs of labor, materials, and taxation which they are compelled to bear. But whether they should be permitted to draw upon the public for additional funds

with which to maintain dividends is another question, to which no general answer can be given with surety of its justice. Much of the railway stock outstanding was issued for nothing, in the form of bonuses or construction profits, but the percentages thus disbursed by the various companies differ tremendously. Moreover, comparatively few of such shares now remain in the possession of the original beneficiaries. Substantially all have been taken over by investors and gradually diffused in lots so small that the common saying that "the people own the railroads" has much basis in fact. The point, too, cannot be overlooked that the promoters and bankers who first obtained "watered" stocks acted within their legal rights and conformably to customs fully known and commonly recognized as legitimate at the time. The futility of attempting to enforce a general, wide-spread "restitution," therefore, becomes apparent.

But that fact constitutes no reason for permitting continuance of the undesirable process. It was well enough and right enough, from a common-sense viewpoint, for President Elliott of the New Haven Company to say "let bygones be bygones," but it was equally essential, from the public and governmental position, for Commissioner Prouty to insist upon being convinced that they are bygones. There is little, if any, suspicion that railway directors at the moment, or for some time to come, would divert additional revenues from actual needs into speculative channels, but Mr. Prouty demands assurance that the old methods shall *never* be resumed. "When," he said, "it is no longer possible for railroads to spend money except for railroad purposes, when railroads cannot buy securities of other railroads, and when railroads cannot issue any securities except with Federal supervision, then, and not until then, can you safely permit any increases in rates."

In other words, Commissioner Prouty demands legislation providing for governmental supervision of expenditures as a condition precedent to increasing of rates. The questions immediately arise! Is such legislation desirable? and, How soon can it be obtained? To the first, in our judgment, the answer should be affirmative. There is no reason why the Commission should not, and every reason at the present time why it should, exercise such supervisory authority. The people support the railroads, the people own the rail-

roads, and the people have a perfect right to appoint their own government to watch over and safeguard their interests. As a purely practical matter, moreover, it is certain that the exercise of such supervision would not only enhance materially the market values of securities thus approved and issued, but would tend generally to allay the distrust which now prevents borrowing for positive necessities.

Whether the legislation required by Commissioner Prouty can be obtained in time to save the railways from serious distress is a political question which nobody seems able to answer. It is but natural, however, to assume that the President and the Democratic leaders of Congress are fully advised upon this point and will soon act in such a way as to indicate their conclusion. It may be that, pending the formulation of measures whose preparation obviously demands the greatest of care, the Commission could achieve its immediate purpose by exacting guarantees in some effective form from the companies. As to that, also, there appears no convincing expression of opinion.

The one certainty is that the situation is poignant and laden with possibilities of advantage and disadvantage to all concerned. It is clear that raising of railway rates cannot be expected to diminish the cost of living, and it seems to be equally plain that succor of the railroads is the first requisite of a start toward more prosperous conditions. So far as we can perceive, no question of essential principle is involved. It is a weighing or balancing of considerations which calls for the exercise of the best judgment that can be derived from common sense—and in resolving a problem of that nature full confidence, in our belief, can be felt in the determination finally reached by President Wilson.

PREACHER AND PRESIDENT

WAS Mr. Wilson elected President of the Presbyterians or President of the United States? The question was raised by the Rev. Dr. John R. Mackay, pastor of the North Presbyterian Church of New York City in his Thanksgiving sermon. After voicing gratitude for the ending of the Balkan War and the defeat of Tammany, the minister continued:

I had hoped to express as another cause for Thanksgiving that our President was at this hour worshipping like us in his own place of worship, but the morning newspapers inform us that he has decided to attend high mass and give as his explanation that President Roosevelt and President Taft having done so, the precedent has been established and he would not like to break it.

This explanation does not explain. The observance of precedent has formed no part in President Wilson's career. No man more than he has broken through every kind of precedent both in the White House and in Congress. To know there was a precedent for anything seems to him an invitation to break it, and now he pleads its sacredness. This is the President, and not the man, that speaks.

It suits him to go and he goes, and at such a time as this I personally feel that this is an outrage when done by a Protestant Christian; and further, we have just listened to the reading of the President's own proclamation in which he asks us to assemble in our own places of worship. Why should he exempt himself? He has a church of his own; a pew of his own; a place where he could worship according to his instincts and the belief of his own heart.

Why, then, should not he worship there? It pains me to speak thus about our President, but he has gone out of his way and carried himself in a way inconsistent with the general trend of his life to needlessly cause grief to many who hitherto have felt pride in his steadfast loyalty to convictions and his determination to be President of all the people.

It seems not to have occurred to Dr. Mackay that the breaking of the precedent established by Mr. Roosevelt of the Dutch Reformed Church and confirmed by Mr. Taft, Unitarian, might naturally and properly have been resented by the great body of Roman Catholics who, too, are citizens. And what trifling with truth to assert that Mr. Wilson "has broken through every kind of precedent in the White House and in Congress"! In delivering his Messages personally he did not discard a custom; he restored one; and in abandoning the senseless New Year's reception he merely recognized the obligation of a President to conserve his physical strength for performance of his real duties. What other precedent of the slightest importance has he failed to heed?

"This is the President, and not the man," said Dr. Mackay. Precisely. And when Mr. Wilson attended a Roman Catholic Church, though probably for but once in the year, he did the very thing that Dr. Mackay accuses him of not doing; he showed plainly his "determination to be President of the whole people"; and thereby he indicated incidentally that a Presbyterian is not necessarily a bigot—a fact whose firmer impressment upon the minds of

certain ministers of what they mistake for the Gospel would tend materially to enhance the power and encourage the growth of Christianity.

ON RESTRICTED RELIGION

THE third collect in the devotional service for Good Friday of the Protestant Episcopal Church reads as follows:

Oh, merciful God, Who hath made all men and hatest nothing that Thou hast made, nor desirest the death of a sinner, but rather that he should be converted and live, have mercy upon all Jews, Turks, infidels, and heretics, and take from them all ignorance, hardness of heart, and contempt of Thy Word, and so fetch them home, Blessed Lord, to Thy flock, that they may be saved among the remnant of the true Israelite, and be made one fold and one shepherd, Jesus Christ, our Lord, Who liveth and reigneth with Thee and the Holy Spirit, one God, world without end. Amen.

Two amendments presented to the House of Deputies are still pending. The first is a proposal by Dean William Grosvenor that the words "Have mercy upon all who know Thee not, as revealed in the Gospel of Thy Son" be substituted for the words "Jews, Turks, infidels, and heretics"; and that the words "saved among the remnant of the true Israelite, and be" be stricken out. The second, suggested by a deputy whose name is not given, is that the words "Have mercy upon Thine ancient people of Israel and all who have erred in darkness" be substituted therefor. The purpose of these proposed changes, of course, is to stop classing Jews with Turks, infidels, and heretics, because the doing of this is presumed to hurt their feelings. We doubt the correctness of the assumption. The Jews whom we know are satisfied with their religion and seem to be willing to take their chances of reaching heaven by their own road. We have never heard that they object to outsiders beseeching mercy for them specifically, but it is doubtful if they attach much value to such petitioning. Moreover, if given a choice, we consider it quite probable that they would as lief be named outright in a straightforward manner as be included with others who are supposed to "err in darkness." And why discriminate against the Turks? They, too, have a religion which has stood the test of time, and feelings to be hurt. Is it not, after all, logical and proper to pray either for our-

selves of the elect exclusively or for all creation without making distinctions of any kind, invidious or otherwise? There may be something more offensive in the eyes of the Lord than a patronizing religious aristocracy, but if so we have misread the Scriptures.

FOR PRESIDENT: W. J. B.

THE Hon. Lawrence Irving Handy is an ex-Congressman, a Son of Delaware, a resident of Philadelphia, and a novelty—*i. e.*, an original Bryan man. He was toastmaster for the Sons in the Quaker City the other evening, when the Honorable, the Secretary of State, was present. "Gentlemen," said Mr. Handy, speaking with curious exactitude to a group of Philadelphians—"gentlemen, I first introduced Mr. Bryan to Delaware seventeen years ago." What he meant to say was that he introduced Delaware to Our Hero some time back. However: "He is the greatest living orator speaking any language," not excepting Rabindranath Tagore, the Nobel prize-winner. "He is the personification of a wise and fearless Democracy." Excellent! "Embodiment" might possibly be preferred to "personification," but we do admire "wise and fearless"; they are strong and simple adjectives which can be easily understood; like, for example, "dishonest," as it was applied recently by Speaker Clark to officeholders who neglect their duties to lecture for hire. But back to the original Bryan man: "He has done great things, but I doubt not that he has before him greater things to do and to be." To do, perhaps; but hardly to be. Nevertheless, sez he, meaning Mr. Handy: "So once more I introduce him as the next President of the United States"—from which we infer that he had done it before and perchance many a time and oft.

The speaker paused, then sat. "Instantly," reports the newspapers, "every one of the 253 diners was on his feet waving either a small silk American flag or a [large cotton American] napkin." Mr. Bryan was obviously embarrassed. "His face was a study," instead of a map. "He seemed inclined both to frown and smile." He took a troche and cleared the way for a double-track mind.

"I hope," he began, ingratiatingly, "that you won't

treasure up against my friend Handy the political indiscretion which he has just committed." (Polite cough from the speaker and "we won't" from the back rows.) "He means well,"—awkward pause, not grasped at first, but finally responded to with either small silk American flags or large cotton American napkins,—“and it only shows how a habit he learned seventeen years ago becomes fixed.” Fixed? Glued, we should say. But let us not interrupt. This is important. “I believe,” Mr. Bryan continued confidently if not indeed sadly, “that the toastmaster has the opinion of many others that my highest ambition was to become President of the United States.” Painful hesitation. Mr. Handy looked hurt. “THAT IS NOT SO. From my earliest manhood I have held a worthier and higher ambition. I have considered that office as only a means to an end. I consider no one worthy that high office who is not more interested in the things that can be accomplished through it than in the fame it brings.”

Wild Philadelphian applause. There was no longer any doubt of the essential truth. Never, from earliest manhood to second childhood, had Mr. Bryan wanted to be President, except, well as a means to an end—“our beings’ end and aim,” sang Mr. Pope. “I consider no one worthy,”—but pass that. “I am happy, and I want you all to believe me when I say so, to see those things so near to my heart being done by another, happier than if I were in his place.” Led by Mr. Handy, all expressed belief, conformably to request. Mr. Bryan then went on to say that under no circumstances would he become a candi— No, no, that is wrong; we were thinking of something Mr. Roosevelt said once upon a time. But it was a noble speech upon a noble theme, thoughtful, fairly temperate, generous, and kind.

As we read and ponder, our mind becomes troublous. In all candor we ask our considerate Chief Magistrate: Has Brother Bryan yet obtained all that is rightfully coming to him? He speaks of means and an end. That is well enough in a way. He is fond of both. But oughtn’t he to be made President of something? Of course, there is the way blazed through the forest by himself in the Baltimore platform, but we have a feeling somehow that Time may obliterate single-term marks upon quickly growing trees.

Why not elect him President of Mexico? We learn from the Message that there is no government down there now

and that one is needed, as a matter of form. It could be done easily. Mr. John Lind, who seems to have nothing in particular on hand at the moment, could readily convert the gentle Mr. Zapata with his diplomatic artistry, and ex-Minister William Bayard Hale could direct a corps of trained San Domingo "observers" to note with interest the acutely painless methods of the kind Mr. Villa. Both, we understand, walk Spanish perfectly. And Mr. Bryan himself is a wonderful runner. A great ballot-getter, too! If our recollection is not at fault, he thrice obtained more votes for President of even this discriminating country than any other Democrat who ever ran, *bar none*. Six millions and more! Think of that and then consider how easily he could pick up the little twenty thousand votes which constitute an "election by the people" in Mexico! Nobody else is good enough to merit our recognition, anyway.

It is a splendid idea. If we could be assured that he would not request us to take it down at some inopportune moment, we should raise the standard forthwith:

FOR PRESIDENT

(Of Mexico)

WILLIAM JENNINGS BRYAN

Not Yet Tried, but True

COMMENT

ABOUT this time, you are likely to receive the following communication through the mails:

ANCIENT PRAYER

The following was sent to me and I send to you with directions received with it.

"O Lord, I implore thee to bless all mankind and to keep us from evil, and to take us to dwell with thee in eternity." This copy is an ancient prayer. Copy it and see what will happen. It is said in Jerusalem that those who receive the prayer and do not copy it meet with misfortune. But those who do copy it nine times, beginning with the day it is received, and send each day a copy to a friend, will on the ninth day receive some great joy or blessing and be delivered from all calamity. Make a wish when you write it.

It will bring you good luck.

Do not break the chain.

Do not sign.

It is anonymous, of course; neither the inventor nor the

sender of such an impertinence would care to invite well-merited rebuke. And yet we are informed that thousands of persons who regard themselves as devout Christians pass on the thing to irritated acquaintances. Some do it unthinkingly, no doubt, as a presumed religious service, others in the hope that they may really get something out of it, but the majority probably because they wish to take no chances. So they cravenly bow to the menace conveyed and help to perpetuate an idiotic superstition—all in the name of the Lord. The whole proceeding is immoral and insidiously subversive of true faith. Those who, knowing better, engage in it certainly need all the prayers they can get for their comfort in the hereafter, but meanwhile, on earth, they ought to be locked up.

“ C-543 ” is not, as one might readily suspect, a torpedo-boat destroyer; it is a hen, whose exploits must not pass unchronicled. The statistician from whose account we derive the facts set forth below informs us that she “was hatched” on April 29th, 1912, in the Oregon Agricultural College. We accept without question the date and place of first appearance. Ordinarily, too, we would not cavil at the assertion that a chicken was hatched; but this was no ordinary chicken, as presently will be seen. The privilege of being born at least might have been accorded her. Indeed, in view of the fact that the epoch-making event took place in Oregon, we are disposed to think that “made her Initiative” would savor more strongly of appropriateness. But let us not haggle over trifles. The overpowering point in history is that C-543 has broken all records. At the early age of five months and fourteen days she—surely “it,” applied to such a hen, is a sad reproach, if not indeed an insult—began to lay and in one short year presented the students of the college with 283 eggs. Needless to say, the feat is unparalleled, although due credit should not be withheld from another collegiate hen, an own cousin, we understand, of C-543, who in 1912 produced 282. We can easily imagine the tenseness of feeling in the Oregon Agricultural College on the last day of the twelfth month while the professors and students were awaiting the arrival of the 283d. But the deliverance was successful, and both C-543 and egg are said to be doing well. We respectfully suggest that a degree be

conferred upon C-543 and that at the conclusion of the ceremony the President of the college summon to the stage the illustrious originator of the Initiative and say to him: U'Ren.

At last we have an incorruptible Secretary of the Treasury. Mr. McAdoo made the fact known on December 3d, when he gave out for publication a letter from an unnamed, but obviously unoriginal, Wilson man, reading as follows:

Mr. McAdoo, if you will appoint me as revenue collector I will make you a present of one-third of my first year's wages. I will give you \$100 just as soon as appointed, and the rest just as soon as I can have a public sale.

The Secretary spurned the proposition. "There is no place for you in the Treasury Department," he wrote in reply. "Such an offer as this shows your unfitness for public office or public trust of any kind. The best service I can render to you is to advise you to revise your moral standard." And he added, scathingly:

I am grieved to discover that there is any man in the United States who seems to think that there is neither moral turpitude nor impropriety in making an offer of this sort.

You do not seem to realize that the era of graft and corruption in American politics is past.

What a relief it is to know that the wicked old days when Alexander Hamilton, Roger B. Taney, Salmon P. Chase, John Sherman, William Windom, John G. Carlisle, George B. Cortelyou, and Franklin Mac Veagh used to accept a hundred on account for collectorships are past and gone. But kindly imagine one of those mentioned publishing a thing like that "in order," as the *Evening Post* remarks, "to demonstrate the Roman virtue of this Administration"!

The new Senator from Oregon contributes this admirable autobiography to the *Congressional Directory*:

Harry Lane, Democrat, of Oregon. Term expires March 3, 1919.

"I feel perfectly at home here," he remarked, at the end of his first month in Washington. "I used to be Superintendent of the Oregon Insane Asylum." But there is a difference. He is an inmate of the Senate.

What has become of the Honorable William C. Redfield, Secretary of Commerce and high priest of trade?—*Philadelphia Press*.

Nothing has become of him; nothing *could* become of him. But when last seen he was consulting Secretary of Labor (Unions) Wilson and the Honorable Jay Hamilton Lewis concerning the practicability of enhancing power facilities by ordering water to run uphill.

And it may be another detail which, in his present powerful position, Mr. Wilson had forgotten, but had this primary system prevailed in the summer of 1912 the nomination of the Democratic party would almost surely have gone to the Hon. Champ Clark.—*New York Times*.

Well?

From the Associated Press:

TOPEKA, KAN., Dec. 6.—At the annual banquet of the State Democratic Club on January 5, W. J. Bryan will be the principal speaker. For this purpose 250 gallons of grape-juice have been ordered.

Does he bathe in it?

Incidentally we may ask: Why this proposal now? Hasn't the Democratic party enough trouble on its hands?—*The Evening Sun*.

No; only a cold in its head, when the suffragettes come around.

Young Bryan for Politics.—*Headline in the Times*.

Oh, for goodness' sake!

THE CURRENCY BILL IN THE SENATE

BY HORACE WHITE

THE Federal Reserve Bill has been before Congress since the 26th of June last and has been under discussion for a considerably longer period. All attempts to rush it through the forms of legislation have so far failed, and its character has been much changed and improved by the delay. On the 22d of November it emerged from the Senate Committee on Banking in tripartite form, namely: (1) the Bill as amended and passed by the House; (2) the Owen Bill, or the House Bill as proposed to be amended by six members of the Committee, who are Democrats; (3) the Hitchcock Bill, or the House Bill as proposed to be amended by one Democratic member and five Republican members. The Democratic member of the latter group, Senator Hitchcock, of Nebraska, early took the position that there should be no haste in passing a measure of such gravity, and the result so far has vindicated his contention. Twenty years was required to prepare public opinion, including that of bankers and Congressmen, for the adoption of asset currency in place of bond-secured currency. This principle was embodied in the Aldrich-Vreeland Act of 1908, and Mr. Aldrich himself was among the latest converts to the doctrine. *Festina lente!*

The Federal Reserve Bill takes its name from the chief end and aim of its existence, which is to provide means whereby all banks may have full reserves of cash in their own vaults or within easy reach, in squally times. To this end it was sought to bring about a concentration of cash reserves in twelve new regional banks, from which they could be readily mobilized in emergencies for the relief of local banks. The regional banks were to have a capital of not less than five million dollars each, to be supplied by the adjacent national banks, each of which should subscribe twenty per cent. of its own capital for this purpose, ten per

cent. to be paid in cash and ten per cent. to remain subject to call. If any national bank should fail within one year to comply with this requirement, it should be dissolved.

Two main questions were raised by this bill: First, was it well contrived to produce and maintain concentration of cash reserves? Second, had Congress the right to compel national banks to contribute money to objects not specified or contemplated in their charters?

As to the first question, concentration means bringing to a center. Obviously only one place is fitted to be the center of a concrete whole. Twelve centers to one thing are inconceivable. The nations of Europe have found by experience that one central bank with branches is sufficient, and is exactly fitted, to the purpose of accumulating, maintaining, and mobilizing the cash reserves needful to meet all banking exigencies. The functions of a central bank are to maintain the gold standard and to supply in needful amounts a currency that will be universally accepted by the community. The latter function is to be discharged by the discount of bills of exchange and other bankable paper. The end to be striven for is the strengthening of confidence in the whole banking system, so that there will be no motive to make runs on the banks. If there is a motive for such runs, hardly any amount of reserves will suffice; if there is no motive, there will be no run. Confidence can be more securely anchored in one strong central institution than on several less strong.

As to the second question it is not necessary to dogmatize. The Democratic (Owen) half of the Banking Committee have modified the House Bill by a proviso that the forfeiture of the charter of any national bank for non-compliance shall be a judicial proceeding in a suit to be brought by the Comptroller of the Currency for that purpose. The other (Hitchcock) section of the Senate Committee have introduced a proviso that the capital stock of the regional banks should be first opened to public subscription, no person to hold more than one hundred shares, and that the national banks should underwrite the whole and only take what was left. Possibly the whole might be taken by private individuals. Both of these plans imply some measure of coercion on the national banks, but not enough, perhaps, to provoke resistance, as the House Bill probably would have done. It remains to be seen whether the national banks will co-operate cheerfully to make the new system a success, even

though they do not consider it a wise and well-considered plan to accomplish the end in view. Their preference is for one central bank. This is also the declared preference of the Hitchcock group of the Senate Banking Committee, although it is not embraced in their bill. Senator Burton, of Ohio, has introduced such a bill on his own motion. Probably the Republican party can be counted upon to support such a measure both in Congress and on the hustings. It is not safe to assume that the passage of the pending measure will be the end of the currency agitation. The Owen Bill reduces the number of regional banks to eight; the Hitchcock Bill to four.

If the bill as passed should for any reason prove to be unworkable, the consequences would be regrettable both politically and otherwise, and the failure could not be condoned by saying that it was an honest attempt to break down a moneyed monopoly and to open the avenues of credit to persons who do not now have access to it. Credit is belief. It is a plant of slow growth. It cannot be moved hither and thither by acts of Congress or by stump-speaking. If a belief prevails in the community that certain persons are safe custodians of money, then people who desire safe places for their money will hand it over to them in the form of deposits. If the belief prevails that these or other persons are sagacious investors and good judges of securities, people who have money to invest will bring it to such persons to be invested. This is the whole secret of the "Money Trust." Financial beliefs cannot be transferred by outside influence or by coercive legislation any more than religious beliefs can be so changed.

If the magnates of Wall Street had only their own money to operate with, their business would be small indeed. They would not require spacious offices or an army of coupon-clippers. It is the incoming and outgoing of other people's money, from which a shaving is taken, that fills their coffers. If they were all banished or knocked on the head to-morrow the lonesome seeker after credit would be no better off than before, but rather worse. The people who have money to invest would never find him, whereas the Money Trust would surely find him sooner or later if he had anything of value to offer. That is what they exist for. If they did not find such things, they would soon go out of business without being banished or knocked on the head.

Much reliance had been placed on the testimony of certain witnesses in the Pujo investigation that they (the witnesses) were monopolizers of credit and that the monopoly had gone about far enough and ought to be broken down. They were not so obliging, however, as to tell us how it should be done. In like manner, in medieval times, certain persons accused of witchcraft pleaded guilty. They acknowledged that they were witches, but they did not tell how the practice of the black art could be suppressed. They were generally burned at the stake after confession, but murrain continued among the cattle, and hail-storms and tornadoes prevailed, all the same. The only method I can suggest for breaking down the monopolizers of credit is for Mr. Untermeyer and other persuasive orators to hold a series of public meetings and urge depositors to avoid such cormorants as George F. Baker and Jacob Schiff, and choose open-minded and warm-hearted financiers like the managers of the Carnegie Trust Company to take care of their money and invest it safely for them. Depositors do not know or care anything about "interlocking directorates." Nobody invests, or deposits, or withdraws money on such considerations, yet depositors will have the last say on any banking scheme that Congress may adopt. He reckons ill who leaves them out.

Under the House Bill the control of the whole banking system is lodged in a Federal Reserve Board of seven persons composed of the Secretary of the Treasury, the Secretary of Agriculture, the Comptroller of the Currency, and four members to be appointed by the President of the United States with the consent of the Senate, one of the four to be a person experienced in banking. The Owen Bill omits the Secretary of Agriculture and the Comptroller of the Currency, and gives the President power to appoint six members, and provides that two of them shall be experienced in banking. The Hitchcock Bill provides that the Federal Reserve Board shall consist of the Secretary of the Treasury, *ex officio*, and eight other members, who have had experience in commerce and banking, to be appointed by the President, who shall designate one of them to be the Governor and one the Vice-Governor. Each member to receive a salary of \$12,000 per year, and to devote his entire time to the duties of his office. Each of the three bills gives the Federal Reserve Board power to permit

or require any regional bank to discount the prime commercial paper of any other regional bank and to fix the rate of interest therefor within certain limits. Each of the regional banks is to be managed by a board of nine directors, six to be chosen by the local banks and three by the Federal Board at Washington. Three of the directors chosen by the local banks shall be "representative of the general public interests of the reserve district," not bankers. The Hitchcock Bill provides that five of the directors shall be appointed by the Federal Reserve Board and four by the member banks, all of whom must be *bona fide* residents of the district.

Thus the control of the whole system and of the regional banks is to be separated from the ownership. In like manner the control of the German Reichsbank is in the hands of the Government. The stockholding interest is only advisory. The German bank, however, was originally owned wholly by the Government; private shareholders having been admitted from time to time afterward at their own desire, with previous knowledge of the conditions of participation. The bank grew into its present shape from the year 1765, when it was established in the reign of Frederick the Great, the Government being always in supreme control. In other words, the German system, having been a natural evolution, is exactly fitted to the nation which it serves. It is a central bank with branches. The only point of similarity which the Federal Reserve Bill presents is in the control by Government officials. In all other respects it differs not only from the German system, but from every other which now exists or ever has existed.

For example, under the House Bill the Federal Reserve Board may issue Federal reserve notes "which shall be obligations of the United States" to any regional bank in exchange for collateral consisting of notes or bills accepted by the latter for rediscount from any member bank in its district. The regional bank shall segregate and keep on hand thirty-three and one-third per cent. of "gold or lawful money" as a special reserve whenever it pays out any portion of these Federal reserve notes, but the notes themselves shall be redeemed "in gold or lawful money" at the Treasury in Washington or at any regional bank. The notes shall bear marks to signify the name of the bank issuing them, and whenever they are received by any other regional

bank they shall not be paid out by it, but must be returned promptly to the issuing bank for redemption. The Owen Bill requires thirty-five per cent. reserve against note issues. The Hitchcock Bill omits the words "or lawful money" after the word "gold" in the redemption and special reserve clauses, and it requires that forty-five per cent. of gold be segregated as security for the notes in addition to the paper collateral. All three of the bills say that the Federal reserve notes shall be obligations of the United States, when in fact they are not such.

Obligation implies value received by the obligor. Such is the common acceptation of the phrase. All misuse of words ought to be avoided, since misleading phrases are a bad education. The words printed on the greenbacks saying that they are legal tender for all debts public and private except for duties on imports and interest on the public debt, led multitudes to believe that the principal of the government bonds could be paid with irredeemable notes. Probably a majority of the voters honestly entertained that belief during the period 1865-1879 and were prevented from carrying it into effect only by the resumption of specie payments.

The use of the words "lawful money" after the word "gold" in the House Bill and the Owen Bill is sought to be defended by the fact that the same language is used in the Aldrich Bill. *Tu quoque!* As two wrongs do not make a right, it is best to consider this question on its merits, if it has any. It is rather a question of form than of substance. Shall the greenbacks and the silver dollars be retained as parts of our currency system? Both are lawful money and both are available as cash reserves of the banks. In round numbers the greenbacks are \$346,000,000 and the silver dollars \$576,000,000, both together \$922,000,000. The Government has \$150,000,000 gold kept as a redemption fund for the greenbacks, and is pledged to maintain the parity of greenbacks and silver dollars with gold. So long as the Government maintains this pledge it is a matter of indifference whether greenbacks and silver dollars are or are not admissible as redemption money for the Federal reserve notes. In practice neither greenbacks nor silver dollars nor gold would be much used for redemption purposes, but instead thereof balances would be settled by means of clearings, bank checks, and book entries, in terms of dollars

and cents. The question whether the Government can and will always maintain the parity of all kinds of money in circulation is worth considering. By way of hedging against the chance of a failure to do so in consequence of war or other unforeseen calamity, it would be best to get rid of the greenback at the first opportunity. This would not be a great task. One hundred and fifty millions are already provided for in the redemption fund. The remainder might be canceled as fast as they come into the Treasury or whenever revenues exceed expenses. The silver dollars are a different proposition. They involve a question of tonnage. In form of certificates they are performing a useful function as money of small denominations, one dollar and upward. Probably their future destiny is recoinage as halves, quarters, and dimes.

If I had a vote to give as between the Owen Bill and the Hitchcock Bill, as regards the use of the phrase "lawful money," I should agree with the latter in striking it out for the sake of appearances. It is only for appearance' sake that it has any place in the bill at all.

The method of mobilizing cash reserves from one bank to another under the twelve-district plan is much slower than that of a central-bank plan would be. When the pinch comes on a member bank in a particular district it applies to its regional bank for a rediscount of some part of its commercial paper. The board of directors of the regional bank must pass upon the paper. In order to do so intelligently it must know something about the commercial standing of the maker of the paper, as well as that of the bank which has already discounted it. Very likely the pinch has come upon several of the banks in the district simultaneously, and it is necessary to discriminate between them. Nine directors must deliberate upon the question. Each one must have time to express his opinion on the goodness of the paper and also as to the method of relieving the pinch—*i.e.*, by simply rediscounting or by applying to the Federal Reserve Board for a second rediscount. In the latter event seven members must be taken in consultation, only one of whom need be a banker under the House Bill, and only two under the Owen Bill; under the Hitchcock Bill, which provides for nine members, all except the Secretary of the Treasury must have had experience in commerce and banking. Here let it be said that the original project of consti-

tuting a board without a banker was as irrational as would be an attempt to build the Panama Canal without an engineer.

The seven or nine persons constituting the Federal Reserve Board may relieve the pinch by requiring some other regional bank to rediscount the paper. There are eleven to choose from, and differences of opinion are likely to exist as to whether the request for a rediscount shall be granted, and if so which bank shall do the rediscounting. If squally times are apprehended, each regional bank will be likely to make difficulties or to make delay. No machinery on earth can hasten an unwilling board of bank directors.

Under the European system the manager of a branch of the central bank would apply to the head office for funds to relieve the local pinch by a discount over and above the usual amount, and would get an answer, yes or no, at once; and it would be a correct and instantaneous answer coming from an experienced board to a trained manager.

The House Bill provides that the stockholders of the regional banks shall be entitled to dividends of five per cent. per annum, if earned, which dividends shall be cumulative. One-half of the net earnings over and above five per cent. shall go to a surplus fund until the surplus fund shall be equal to twenty per cent. of the capital stock, the other half of the excess earnings to be divided between the Government and the stockholders. The Owen Bill provides that the stockholders shall have six per cent. dividends instead of five, one-half of the residue going to a surplus fund, and all of the excess to the Government as a franchise tax. The Hitchcock Bill provides that the stockholders shall have five-per-cent. dividends, and that of the excess earnings twenty-five per cent. shall go to a surplus fund and thirty-seven and one-half per cent. to a depositors' insurance fund until, in the judgment of the Federal Reserve Board, it is sufficient in amount to pay in full the depositors of any failed member bank in the district, all overplus to go to the Government. Each of the three bills provides that the regional banks and the stock therein shall be exempt from Federal, State, and local taxation.

Regional banks may receive deposits from their member banks and from the Government, but not from individuals. They may discount notes, drafts, and bills of exchange arising out of actual commercial transactions which bear the

indorsement of any of their member banks, not including those drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities.

Such are the principal features of the three bills. That of Senator Hitchcock and his associates would seem to be the preferable one. It comes nearest to the central-bank system, which has proved to be the most efficient and economical means of warding off bank panics and which is now in use in most of the countries of Europe. The provision for admitting the public as stockholders of the regional banks is wise and prudent. Exemption from taxation would stimulate private subscriptions. If the public should take all the stock, so much the better. It would create a body of active supporters of the new system in all parts of the Union. It would bring new capital into the banking business instead of reducing that of existing banks, where it is now usefully employed. It would secure the friendly co-operation of the present national banks, instead of their open or secret hostility, which might be expected if an attempt were made to coerce them. Moreover, the Hitchcock provision requiring that the Federal Reserve Board shall be composed of men who understand banking is the best of all. Men of training, experience, and character could make even a bad system work well, while men without experience, however good their intentions, might wreck the Federal Reserve system, and the Wilson Administration with it.

The proposal of the Hitchcock Bill to create a fund out of surplus earnings to pay the depositors of failed banks is too large a subject to be dealt with as an appendix to this article. Four trans-Missouri States have deposit guarantee laws, that of Oklahoma being the oldest (1908). A considerable body of literature exists on the subject in the form of official reports and magazine articles. The most important of the latter are those of Mr. Thornton Cooke, of Kansas City, in the *Quarterly Journal of Economics*, the latest being in the number for November, 1913. There is sufficient material available for intelligent discussion of the question of deposit guarantee to take all the spare time of one session of Congress—all the time not occupied by appropriation bills and other strictly necessary legislation.

HORACE WHITE.

THE PLIGHT OF THE RAILROADS

BY W. JETT LAUCK

THE railroad problem is constantly assuming a more prominent place in the public interest. In the face of the increased outlay for labor which has attended the settlement of recent wage disputes, the cries for protection against impoverishment raised by railroad officials throughout the land have been intensified. They claim that labor costs of operation have rapidly advanced. Because of the general rise in prices they declare also that more must be paid for railroad supplies; and that the cost of borrowing capital has increased because of the upward trend in interest rates. It is further claimed that the orders of State Railroad Commissions and the Interstate Commerce Commission relative to the installation of safety devices and hours and conditions of employment have deprived the transportation systems of an increasing amount of their resources. It is also pointed out that the amount of railroad revenues absorbed by State and local taxation has advanced by leaps and bounds. The railroad officials also lament the fact that politicians and demagogues have used the railroads unjustly to win popular favor. Moreover, they state that the maximum economy in operation has already been reached, and that the only hope of maintaining the credit of the railroads upon which they must secure new capital for much-needed improvements and extensions lies in increased freight rates. The railroad officials assert, in short, that the transportation industry will be starved into a state of insolvency unless the Interstate Commerce Commission recedes from its decision of three years ago denying authority to advance freight rates.

The employees of the railroads would welcome the prospect of an advance in freight rates. Obviously, increased rates mean additional revenues and a better prospect for higher wages. The other side of the question is taken by

the shippers. The fundamental basis of their opposition in the past has been forcibly expressed in the argument that increased transportation charges constitute an added tax upon business and industry. It is denied that the railroads have reached the limits of economy and efficiency in management, and it is asserted that they should look within and not without for more revenue. The further charge has been made by the shippers that the carriers have too rapidly discounted the future in capitalizing their earnings, that indefensible stock-watering and manipulation have been characteristic of railroad finances, and that from the standpoint of their legitimate needs there is no economic justification for the claims of the railroads.

The problem, therefore, which will soon be passed upon by the Interstate Commerce Commission, has two important phases. In the first place, the operating performance of the railroads during recent years must be considered. It must be determined as to how far operating expenses have been increased by higher costs of materials, labor, and capital; how far operating revenues have fallen because of reduced freight rates, and, furthermore, to what extent these rising costs of conducting transportation have been offset by gains in operating efficiency. In the second place, the financial management of the carriers must be given careful consideration. It is entirely possible that the operating efficiency of a railroad may be of the highest order and attended by large operating profits, and yet the company itself be in a deplorable financial condition because of mismanagement. Briefly stated, the question to be determined by the Interstate Commerce Commission is whether the present financial needs of the railroads are legitimate in the light of their operating and financial records.

It is at once apparent from a superficial study of railroad transportation statistics that the operating expenses of the carriers have recently advanced. The operating ratio, which means the proportion which operating expenses bear to operating revenues, of the railroads of the East during the period 1900-1911 increased from 67 to 71 per cent., in the South from 66 to 69 per cent., and in the West from 62 to 67 per cent. In 1901, 65 per cent. of the operating revenues of all the railroads of the United States was required to meet operating expenses; in 1912 the ratio had advanced to slightly more than 69 per cent. The oper-

ating ratio, in other words, was 6.8 per cent. higher in 1912 than in 1901.

This condition of affairs is partially accounted for by pronounced advances in price of supplies used by the carriers. Although the proportion of total operating revenues paid to labor actually engaged in conducting transportation—enginemen, trainmen, switchmen, and stationmen—has generally tended to decrease, the total labor cost of operation of the railroads, due to heavier outlay for maintenance labor during recent years, has steadily increased in amount. Furthermore, in the course of the recent arbitrations between the Eastern railroads and their employees, it was asserted by the representatives of the carriers that it would require an additional outlay of about \$2,600,000 annually to comply with full-crew laws; about \$12,000,000 yearly to meet the legislative requirements regarding hours of work and boiler inspections; and more than \$18,000,000, during the next five years, to install safety appliances on locomotives and cars in compliance with national and State legislation. Increased tax payments have constituted another growing item of expense. Fixed charges are also much greater than in past years, owing to the general demand for higher interest return on invested capital.

Along with these constant and harassing advances in operating expenditures, the carriers have suffered a serious decline in receipts per unit of traffic transported. The average amount obtained by the railroads of the United States for each ton of freight carried in 1901 was \$1.05 as compared with \$1.04 in 1910, the last year for which this information is available. The average rate for each ton hauled one mile declined from seventy-five hundredths to seventy-four hundredths of a cent during the period of 1901-1912. The average rate for each passenger transported one mile for the past fiscal year was only 1.985 cents as contrasted with 2.01 cents in the year 1901.

Being thus confronted not only with rising costs of operation and of borrowing capital, but also with declining returns on each unit of traffic transported, obviously the only recourse which the operating officials of the railroads had was to attempt to increase efficiency and thereby reduce the outlay required for moving each unit of traffic. They gave their best endeavors to the solution of this problem, and produced remarkable results.

To move a train requires an outlay for fuel, maintenance of way and equipment, and for payment of wages. A certain proportion of these costs are fixed and are the same regardless of the size of the train. It was, therefore, clear to the railroad officials that if the size of the freight-train load—the number of tons of freight to each train—could be increased without a corresponding increase in the expense of hauling the heavier train, there would be a gain in net operating results. So they set about to devise measures for increasing the tonnage of trains. Engines were designed which, although not burning proportionately as much coal, could haul a greater number of tons than those formerly in use. During the period 1902–1912 the tractive power of locomotives used by Eastern railroads increased 120 per cent., and the average tractive power of each locomotive, 54 per cent. Freight-cars were also greatly enlarged. Additional capital outlay during the same years was also made by the transportation companies in straightening curves and reducing grades in order to make possible the movement of larger trains. Road-beds were greatly strengthened to meet the new conditions, and in many cases were entirely rebuilt. As the combined result of these improvements, the average revenue freight train-load for all the railways of the United States increased from 281 tons in 1901 to 409 tons in 1912, or 45 per cent. By the development of the size of the train-load the carriers were able to handle a greater volume of traffic with comparatively fewer trains. In 1912, as compared with 1902, the Eastern railroads transported an increase of about 63 per cent. in ton mileage with only 20 per cent. increase in freight train miles.

The effect of this increase in the productive efficiency of the transportation industry upon operating revenues has been very marked. In 1901 the operating expenses of all railroads of the United States considered as one system were \$1.12, and operating revenue \$1.72 for each train operated one mile. At the close of the past fiscal year these figures were \$1.59 and \$2.30, respectively. The gain in gross revenues, therefore, during the period 1901–1912 had been sufficient to produce an increase in net revenue of ten cents per revenue train mile. In other words, although operating costs per revenue train mile had increased, they were more than offset by heavier trains and other economies in operation, and net operating revenue for all the railroads of the

country had advanced from 47 cents per revenue train mile in 1901 to 57 cents in the fiscal year 1912. The gains thus made by the railroads east of the Mississippi and north of the Ohio and Potomac rivers have been even greater than those for the country as a whole. During this period of ten years there was a net gain in operating revenue in Eastern territory of 13 cents per revenue train mile.

Out of this gain in net revenue there must be paid, of course, a fair return upon the capital invested in additions and improvements to the road-bed and equipment which have contributed so largely to the gains in productive efficiency. Any rewards for increased efficiency of transportation, labor, or in managerial ability should be included in operating expenses. The final test of the financial status of the transportation companies and of the profitableness of recent progress in improvements and efficiency is whether or not the gains in net operating revenue, due to increased efficiency, have been sufficient to provide a fair return upon the additional capital invested in increased facilities.

Unfortunately, proper information is not at hand upon which to decide this point satisfactorily. If the railroads devoted the proceeds secured from the sale of their securities exclusively to the establishment of better transportation facilities, the task would be easy. But stocks and bonds have been extensively issued in exchange for the securities of other railroads in order to build up large transportation systems. It is impossible, because of the present form of the reports of the railroads to the Interstate Commerce Commission, to separate these transactions and to state explicitly what proportion of the total amount of stock issued at a given time was for additions and betterments to roadway, structures, and equipment, and what proportion was used for other purposes. The physical valuation of railroad property as reported by the railroads to the Interstate Commerce Commission is also misleading. In many cases the cost of road and equipment has been automatically increased with each issue of securities upon the unwarranted assumption that the proceeds arising therefrom have been invested in the physical property of the railroad. On the other hand, a considerable portion of railroad earnings has been expended for additions and betterments which have added to the value or earning capacity of the properties and which should properly be capitalized.

This has been accomplished largely through charges to operating expenses or by direct appropriations from net income. The cost of road-bed, structures, and equipment, however, as shown by the reports of the railroads to the Interstate Commerce Commission cannot be said to underestimate the amount of capital upon which a return must be earned. In fact, as a basis of calculation, it affords every advantage to the railroads.

Noting this tendency to overvaluation, an examination of the reports of forty-four representative Eastern roads indicates an investment in road-bed and equipment of \$7.38 per revenue train mile in 1912 as compared with \$6.04 in 1902. The additional capital commitment for extensions and improvements and additions to road-bed, structures, and equipment during the eleven years 1902-1912, for these forty-four leading railroads, was, therefore, \$1.34 per revenue train mile. Annual interest on this amount at 5 per cent. is 6 4-5 cents. It has been shown above that during this same period these railroads effected a gain in operating revenue of 13 cents for each revenue train mile. Deducting the annual increase of 6 4-5 cents in interest charges for new capital invested, there would still remain a net profit from operation, in excess of operating costs and interest on new capital invested, of slightly more than 6 cents per revenue train mile. This amount would be abundantly sufficient to meet taxes, make necessary improvements and extensions, and to increase dividend disbursements to stockholders. The showing of individual railroads does not alter this conclusion. No statistics are available for a conclusive demonstration, but those at hand seem to warrant the inference that railroad operations which have been properly promoted and managed have, as a rule, been sufficiently prosperous to provide a fair return upon the capital actually invested in transportation facilities.

The payment of returns upon the capital obligations issued by the transportation companies is another question. During the decade 1901-1910 the total capitalization of the railways of the United States was increased \$7,728,000,000, or 57.6 per cent. In 1910, 82 per cent. more railroad stock, to the par value of \$2,435,000,000, was receiving dividends than in 1900. Furthermore, the average return on dividend-paying railroad stocks in 1910 was 7 1-2 per cent. as against 5 1-4 per cent. in 1901. The total dividend disbursements

in 1910 were \$159,000,000 greater than in 1900, and 66 per cent. of all stock outstanding received dividends as against 51 per cent. in 1901. The dividends paid by the railroads during the past fiscal year exceeded \$400,000,000, and the average rate was slightly more than 7 per cent. Interest requirements were also met by the railroads on all funded debt outstanding except about 7 1-2 per cent. of the total.

This situation on its surface would indicate that the financial condition of the railroads is good and their demand for increased freight rates unjustifiable. Railroad officials claim, however, that expenses are steadily increasing and net operating revenues declining; that present interest and dividend payments are becoming endangered; and that without some relief the credit of the railroads will soon be so impaired that it will be impossible to secure additional capital for much-needed improvements. If the assumption of these officials, that the financial management of their properties has been proper and their capitalization legitimate, is accepted their assertion as to the condition of railroad finances, despite the superb operating performance of the carriers within recent years, seems to be true. The weakness in the argument of the railroads, however, lies in their assumption that the financial management of their properties in past years has been of such character as to merit assistance at the present time. An examination of the facts relative to this phase of the problem shows clearly that the financial administration of the railroads has been much less creditable than the operating management, and leads to the conclusion that if the financial managers had shown a degree of efficiency approximating that of the operating officials the transportation industry would be yielding enormous profits to stockholders, and any advance in freight charges would be unnecessary.

A policy which has been followed by American railroads which does not exist in other leading commercial and industrial nations is to use part of their current revenues for the purpose of making permanent improvements to their properties. During the ten years 1902-1912 the leading railroads in the East expended more than \$300,000,000 of surplus income in additions and betterments. Within the past fifteen years, by a conservative calculation, they improved their properties to the extent of \$500,000,000 by appropriations from surplus income and charges to operating expenses.

These facts do not accord with the claim that the railroads of the country are impoverished and should be considered in extending financial assistance to them; more especially when the property additions so provided are made the basis of stock dividends or designed to place real assets behind fictitious capitalization.

As a matter of fact, increases in property values and in earning capacity are frequently made the basis of new securities given to stockholders. A striking example of this is the recent stock dividend of 33 1-3 per cent., or \$20,000,000, made by the Pennsylvania Company to cover uncapitalized additions and betterments paid for from income. Stock bonuses, or rights granted stockholders to subscribe to new issues of securities at par when they are selling in the market at a premium have been very common. Four of the leading railroads of the East gave away more than \$99,000,000 during the period 1900-1910 in bonuses to their stockholders. In the West during the same period, five of the principal railroads authorized stock bonuses amounting to more than \$185,000,000. The aggregate amount of capital stock thus distributed by the railroads of the United States is enormous. This practice means not only unwarranted capitalization, but also a permanent absorption of operating revenues in the payment of dividends thereon. The effect, therefore, is to place a constant burden upon the railroad employee, the shipper, and the consumer.

The connection between banking syndicates and railroad security flotation has recently been a matter of public inquiry. A number of large banks have been granted the exclusive right to handle the bonds of certain railroad companies and have been practically without competition in fixing the commission charged for this service. By way of illustration, eight representative railroads in the East during the period 1900-1910 issued new obligations of the par value of \$810,000,000. The market value of these bonds was \$827,300,000, but the railroads actually received only \$787,200,000. More than \$40,100,000 was paid out in underwriting commissions, the greater part of which might have been saved had the transportation companies sold their bonds on the open market. During the same decade, four leading roads in the West in floating \$491,000,000 of bonds paid \$21,000,000 in underwriting fees.

Ordinary stock-watering and manipulation have played an

even more conspicuous part in adding to the fictitious capitalization of the railroads. It is a matter of official record that when the two railroads which formed the nucleus of one of the largest trunk-lines of the country were combined in 1869, a stock dividend of 100 per cent., equal to \$44,428,330 in money, was declared. At a recent hearing before the Interstate Commerce Commission it was stated that a total of \$93,034,026 of stock had been floated by this company during the period 1870-1910, for which not a cent was added to the value or earning capacity of the property. A drain of \$5,535,000 annually upon the earnings of this system is necessary to pay dividends upon this fictitious capitalization.

Another notorious case of stock inflation, which is also in the records of the Interstate Commerce Commission, is that of the Chicago & Alton Railroad. In 1899, when the so-called Harriman syndicate acquired control of the old Chicago & Alton Railroad Company, its capitalization consisted of \$22,230,600 of stock and \$10,779,850 of bonds. Seven years later, when this company and the Chicago & Alton Railway Company were consolidated as the present Chicago & Alton Railroad Company, the new company began its existence with a capitalization of almost \$114,600,000. The only tangible asset which the new company acquired in addition to the old Chicago & Alton Railroad property was a line of railroad fifty-seven miles in length which had cost the syndicate \$1,350,000. The invested capital of the original companies at the time of the consolidation was by a liberal estimate only about \$52,000,000. The sum of \$62,600,000 in fictitious capitalization, therefore, was added by the Harriman syndicate without a single dollar of consideration.

Numerous cases might also be cited to show how the capitalization of our railroads has been inflated under reorganizations or as the outcome of expansions made for the purpose of securing monopoly control. Recent official investigations have shown that the New York, New Haven & Hartford Railroad, in a reckless attempt to monopolize the transportation facilities of New England, has, within the space of twenty-five years, issued excess capitalization to the extent of \$75,000,000 and has acquired and capitalized steam railroads, trolleys, and steamship lines with such disregard of their actual value and earning capacity that it is

estimated that more than \$8,000,000 of the operating revenues of the New Haven Railroad itself are absorbed each year by losses on these unwise investments. A large railroad company of the Middle West, by an unwise policy of expansion, has within the last ten years lost approximately \$32,000,000. Another leading Western railroad which passed through a reorganization in 1909 had its securities inflated to the extent of \$59,420,000, for which not a dollar was added to the value or earning capacity of the property. In the reorganization of another leading Western railroad in 1895, fictitious capitalization was issued to the amount of \$166,096,184 in preferred and common stock. The earnings of this railroad have up to the present time been used to pay dividends aggregating \$112,000,000 upon this watered capitalization, and the absorption of operating revenues annually by dividend payments upon these unwarranted stock issues is \$9,167,000.

These illustrations and others which cannot be mentioned in detail clearly demonstrate the fact that the financial direction of our railroads in the past has been as indefensible as the management of actual operations of the transportation companies has been efficient and praiseworthy. It is clear that at the bottom of the present difficulties of the railroads is to be found improper or misguided financial management. The gains made in the operating efficiency of the carriers have been consumed in the payment of dividends and interest charges upon fictitious securities. An economic crime has been perpetrated by the capitalization of the actual and potential earnings arising from increased productive efficiency. Higher wages to railroad employees and the rise in prices of railroad materials and supplies have only served to bring to a head the more fundamental evils arising from over-capitalization.

It is for this reason that the railroads after several generations of increase in earning power are no better off than they were before. Year by year the growth in earning power of the transportation companies has been capitalized in one way or another, and the development of the country has been steadily anticipated or discounted by the issue of new securities. Capitalization has been made to keep pace with profits. This policy would have gone on indefinitely had Congress not vested the Interstate Commerce Commission with the authority to regulate freight rates. Charges for

transportation services would have been automatically advanced to meet the requirements of higher operating costs and increased capital requirements. But now, without the power to exact more for their services, the railroads, in the face of a growth in the cost of operation, find it more and more difficult to pay dividends and secure much-needed capital. The question, therefore, which the Interstate Commerce Commission must pass upon, and upon which the public will ultimately render a decision, is whether the transportation companies should be granted financial assistance through permission to charge more for transporting commodities.

Despite the indefensible causes of the present plight of the railroads, the answer to this question should be in the affirmative. The sins of the past cannot be rectified. Very little can be properly done at the present time to recall the capital which in former years has been given away to stockholders and underwriters. Something may be done to correct the waste of resource and the excess capitalization arising from past mergers, consolidations, and reorganization. As a rule, however, the fictitious securities already issued have passed from the hands of the underwriters and other original holders and are now in the possession of investors who had no part or profit in their flotation. To attempt to legislate, therefore, relative to railroad capitalization as it is at present would bring injury to many innocent persons. The burden which has been permanently placed upon the consumer and the railroad employee and stockholder by improper financing in past years must, unfortunately, be largely accepted. What can be done is to prevent similar financial practices in the future, and to make sure that no further handicaps to industrial progress, and to the economic well-being of the general public are added to those already existing. Due profits and liberal returns should be assured to the elements of risk and foresight in the development of transportation facilities. Legitimate rewards, however large, should be guaranteed to managerial ability and to invested capital. But railroad executives and operating officials should not be required to devote their time and talents to the earning of dividends and interest charges on fictitious capitalization. The railroad employee should not have to be confronted with the statement that an increase in wages would result in the impairment of a

vested interest by interfering with dividend and interest payments, when, as a matter of fact, this vested interest originally consisted of watered capitalization which has been unloaded by promoters, reorganizers, or underwriting syndicates upon the unsuspecting public. The consumer should not be compelled to bear the burden of a higher cost of distribution of commodities, or, in other words, an increase in cost of living, arising from the same causes. The permission to the railroads to advance their freight charges should, therefore, while safeguarding the present holders of railroad securities, be accompanied by legislation which would protect investors, consumers, and railroad employees. Along with the grant of higher freight rates should go the regulation of the financial management of the railroads. This is not only necessary because of past financial excesses, but is an inevitable and logical outcome of rate regulation itself.

Legislation which would assure the proper use of railroad capital and safeguard the interests of employees and the public should have to do with, first, the issues of new stocks and bonds, and, second, reorganizations and consolidations. It is not necessary, as it is often claimed, to give the Interstate Commerce Commission power to regulate the issue of new securities. All that should be required would be for Congress to direct the Commission to investigate carefully new issues of stocks and bonds by the railroads for the purpose of ascertaining how they were marketed, what amount of cash was realized, and what was done with the cash proceeds. The Commission would then be in a position to know whether the securities had been properly floated and could take these facts under consideration in future rate cases. Publicity given to these investigations by the Commission would also force the railroads to market their securities properly. Otherwise, market values would slump and investors would have no confidence in the management. Bonuses to stockholders and large fees to underwriting syndicates would also be impossible without discovery and full publicity by the Commission. A policy of expansion and dissipation of resources for the purpose of obtaining monopoly advantages as exemplified by the recent history of the New York, New Haven & Hartford Railroad, could not be successfully carried out if the Interstate Commerce Commission should be instructed to investigate and

publish all the facts bearing upon the issue of new securities. Another possibility of financial evil and over-capitalization would be obviated if Congress would direct that all schemes of reorganization and consolidation of railroad property, to be valid, must have the sanction of the Interstate Commerce Commission. Reorganizations and consolidations in the past have been two of the principal sources of stock inflation and manipulation. Five years ago the Commission forbade the railroads to continue the general practice of charging additions and betterments to the operating expenses of their properties. A similar prohibition should now be made against the payments from net income or surplus for permanent improvements, or, in other words, for capital which adds to the value and earning capacity of their properties. In order that the total assets or resources of the railroads should be known, the transportation companies should also be required to show the existing market value of securities of other railroads which they hold in their treasuries. The present practice of a considerable number of railroads in carrying such holdings at nominal book values tends to conceal their real resources and to make secret reserves possible.

With these regulations as to accounting methods and with the investigation of security issues and reorganizations by the Interstate Commerce Commission, the railroads should be permitted to advance their freight charges for the purpose of meeting their immediate necessities. Under these conditions, it may safely be predicted that future increases in charges would not be necessary, but that reductions in the cost of distribution could be expected, for the reason that with proper financial management the earnings of the railroads would greatly increase on the basis of each dollar invested. If the Interstate Commerce Commission, without legislation looking to the financial control of the railroads, should sanction an increase in freight rates, their action would be tantamount to placing the stamp of approval upon past financial excesses and mismanagement and leaving the way open for similar practices in the future.

W. JETT LAUCK.

THE DISAPPEARING RIGHT OF PRIVATE PROPERTY

BY DANIEL F. KELLOGG

AT every general election held in the country in the last few years—with the exception, perhaps, of last year—there has been a considerable increase in the vote cast for the Socialist candidates; and the fact has been commonly alluded to as offering the strongest evidence of the development in the United States of a body of Socialist opinion pure and simple, that is, of a Karl Marx Socialism or of a Socialism as interpreted by the great German leaders of this school of thought. But among our practical politicians and close observers of political affairs the tendency has been to regard the development as not so much a growth of real Socialism as of popular discontentedness, for general reasons, with the two old political parties of the land. Both these parties have passed, according to the views entertained by many people, into a state of senility, boss-ridden and outworn; and new political platforms, if not new parties altogether, are demanded. After a time, it is optimistically argued, thousands of those who have been voting the Socialist ticket will return to former allegiances, the old parties, in the mean time, having ridden themselves of the bosses and put themselves in accord with progressive ideas. But this hopeful and favorable view has of late sensibly diminished even if it is still admitted that a true Karl Marx Socialism is probably not really gaining ground. It is not the Socialist vote, but the spirit behind the pseudo-Socialism—an hostility to wealth as such, and to the enjoyment by people of the accumulated fruits of personal industry that—despite the vehement assertion of the new “Progressivism” that such hostility is neither manifested nor desired—is filling the sober-minded citizens of these United States, and especially those who have managed to place a little money in the bank, with dismay.

However it may be vaguely and tenderly defined, there has been going on with us in recent years and is now proceeding with giant strides a rapine of private property for public benefit and an organization of political action based upon the idea that the State should furnish individuals with conveniences, comforts, and luxuries which in all countries and in all past times it has been supposed that individuals should procure for themselves. It is a movement that is characterized not simply by a silly and fatuous humanitarianism and an extraordinary degree of unreason, but by obvious motives of plunder and by attempts which have now become unglossed and unveiled to make the poorer classes of the community favored both in taxation and in the application of general law itself. The oft-repeated motto of one of the great newspapers in the city of New York, and a newspaper that is by no means the most radical among the metropolitan journals, is, "Tax wealth, not poverty," by which it is, of course, suggested that poor people shall not bear any share of the burdens of maintaining society and of executing the laws of the land, but that the cost thereof shall be provided by those who, through frugality and hard work, have managed to lay by a surplus store of property after taking care of the current needs of themselves and their families. The parlous state into which municipal credit has fallen all over the United States is due to the tremendous over-expenditures of municipalities for the pleasure and comfort of their inhabitants—that is to say, to an eager and reckless authorization of these expenditures by the mass of people in these cities who are actuated by the notion that the burden of the expense will fall in only a small degree upon themselves personally; and while this theory is in part fallacious, it is not wholly so, since the loss has fallen in fact chiefly upon owners of real estate who have been unable to recoup themselves by higher rents. A fair instance of the process is that afforded by the experience of the city of New York, which is now putting out hundreds of millions of dollars in the construction of new subways in which people will be transported long distances at nominal charge. None of these subways could be built or operated at private expense, even if a franchise were to be freely granted by the city, unless a much greater charge for personal use of the convenience could be obtained than that which is now imposed. It is not intended to make the

present article a catalogue of incidents like the foregoing, for they are matters of the common and every-day knowledge of intelligent people; but something like an adequate realization of the stage at which democratic government in our country has arrived and of its willingness to prostitute itself to the work may be gathered by some deliberate contemplation of the rider to the Sundry Civil Appropriation Bill passed in June at the extra session of Congress. This was a clause placed in the bill which forbade the Department of Justice to spend any portion of the three hundred thousand dollars set apart for its use in the enforcement of the anti-trust law in any proceedings directed against either farmers or members of labor unions; and the bill containing this restriction was signed by a President who, in his book entitled *The New Freedom*, laid eloquent and elevating emphasis upon the necessity of maintaining, at any hazard and every cost of personal sacrifice, the equality before the law of all individuals and all classes of people in our country.

It cannot fail to be noted that what the President and the Congress have done here is to find a way, and carry it out, of evading the Constitution of the United States, and that, if they are successful in so doing, there is little of like nature that they cannot do. A straightforward law exempting farmers and members of labor unions from the operation of the anti-trust statute would be promptly declared unconstitutional by the courts, but a means by which the great constitutional safeguards of equality and justice can be smothered has been discovered, nevertheless. What Congress has done has been, practically, to proscribe the business interests of the country, except those that can be classed in farming or labor-union category, by means of a bill of attainder; and, now that the first step of this kind has been taken, can it be any wonder that business men are alarmed in no small degree as to what may be the second?

Of more amiable nature, but thoroughly illustrative of the current tendency, are the measures that have recently become laws in many States and strenuously urged in others, providing for minimum wages for women. Those familiar with the debates in the various State Legislatures when these laws were passed say that there was very little attention paid to the monstrous economic fallacy involved in the proposed statutes. The sole argument for the enactments

was that "they would be popular things to carry through," and the fundamental theory obtaining in the matter, if any theory obtained at all, was that the general capital of the country should be drawn upon unlimitedly in order to maintain wages of working people at a certain rate. That the rate of wages received by laborers depends, like everything else, upon relations between supply and demand, and that the country might be impoverished in an effort to set these relations aside, were questions that were entirely unheeded and were not even asked. Another development of like nature has been the statutes recently enacted in many States providing for "full crews" on railroad trains—that is to say, requiring that railroad companies should man their trains with a certain number of trainmen irrespective of the question whether the trains could not be manned with perfect efficiency by a smaller number. These are laws that have not been indorsed by public-service commissions or by anybody except the railway labor unions; and they were passed, as is now frankly admitted, in a spirit of outright demagoguery, and in the same spirit in which the Government of the United States was induced in the early 'nineties to pass laws and to spend uncounted millions in an effort to keep silver metal at a higher value than that to which it was entitled by natural law. The memory of the colossal financial and business panic which was induced thereby has apparently faded from the public mind.

The railway business, as one deriving its life from a public franchise, has, naturally, been the one that has suffered most through impositions of this kind; and it is now obvious to all persons of intelligence that, because of the increased cost of railway operation, due to increases in the pay of employees—supported up to the present time by public sentiment—and the expense necessitated by obedience to orders of State and National utility commissions, the railway business itself is being driven into the ground. Investment in the stocks of railway companies has apparently ceased. Not a banker can be found who will recommend these stocks to a purchaser; and the substantial reason therefor is that even bankers and experts in investment matters, not to speak of average individuals, find themselves unable, because of the attitude of the public, to form any accurate judgment of the present or future value of railway properties. With the railroads no longer able to

pay dividends upon their stocks that will invite investment therein, or to borrow money for pressing demands, Government ownership of the railways is, of course, inevitable; and, as the Government will not be able to operate the railroads any more economically than the former owners did, and will undoubtedly operate them at greater cost, the transportation of people and merchandise will have to be accomplished by means of money raised by taxation and the taxation will be so arranged as to be borne by the rich.

Those who may be inclined to criticize this statement as fanciful and extravagant are respectfully asked to consider the present experience of our railroad companies with the new parcels-post scheme, originated by the Government, whereby the railroads are compelled to carry large parcels at a cost of seventeen million dollars in excess of the sum contemplated in existing contracts, and where the object specifically desired by the Government is to furnish to the people a cheaper means of sending matter by express or, in the words of a spokesman for the present National Administration, "to furnish competition for the existing express companies which the companies will not be able to meet." The worst phase of all this is that it serves to enhance the cost of living that is at the bottom of the trouble. So far as I know, there has never been any dissent among political economists from Ricardo's doctrine of Economic Rent, which is that the price of agricultural products is determined by the cost of the most costly part that is needed to feed the people. It must be such as to defray the cost of the usual rate of wages and to pay capital involved in the operation the usual rate of income. The bearing upon this of any obstruction placed in the way of a good railway service, including the construction of railways into all parts of the country where foodstuffs can be produced, needs no elucidation. With railroad construction in the country at an absolute standstill and the whole railway business under a ban, there can be little, if any, improvement in railway service and no reduction in the cost of living caused by a cheap transportation to market of agricultural products from the outlying parts of the country where agriculture can be carried on.

A general movement of the kind outlined is progressing with amazing speed through every ramification of our national life. It is declared by those who regard it with toler-

ance, or at least profess to be not alarmed over it, that the same phenomenon is observable in Europe. On the other side of the Atlantic the weight of taxation, of death duties, income taxes, and so forth is, it is alleged, heavier than it is in the United States, and people submit to it without complaining that their countries are passing into a state of either Socialism or Anarchy. Even admitting, for the sake of argument, that this is the case, it remains for the future to disclose whether the taxation now suffered by the people of Europe will not be proved by events to be greater than they can stand and that it means, in essence, a contribution laid for the purpose of meeting current expenses upon capital as distinguished from current earnings. But the contention is wholly unsound. The people of Europe are assenting to this taxation, although recognizing it as a grievous burden, almost solely because of what they conceive to be the necessity of providing for additional armament. There is in Europe no craze, as there is in our own country, for reducing swollen fortunes or for raiding the rich by the method of making wealthy people pay all the taxes.

There is no reason to question the accuracy of the explanation commonly given as the fundamental cause of this condition—that it is due to the increased cost of living; such increased cost being that inevitably arising from the disparity between the growth of our population in recent years and the quantity of our crop production. The figures of the thirteenth decennial census, as they have been informally but none the less officially given to the public, show that, while our population has increased twenty-one per cent. in the time covered by the census, the quantity of our crop production has increased but one per cent. The figures show likewise, as might be expected, that there has been an immense falling off, relatively, in the farm population of the country and an immense crowding of people into cities and towns. To a greater or less extent the same conditions are seen all over the world. But there are causes of the phenomena peculiar to our country, besides the social displacements induced by the higher cost of living. There may be particularly mentioned the increased influence through the years of a characteristic American dislike of anything like a careful, dispassionate, and thorough study of social questions and of taking the amount of time and patience necessary for obtaining scientific knowledge in complicated mat-

ters; nor is it too much to say that certain fallacies of economic thought seem to be almost ineradicable in the United States. One of these is the notion that there is a direct relation of cause and effect between railway capitalization and railway freight and passenger rates, an idea for which there has never been the slightest basis, but which has at all times mightily possessed the popular imagination. Another is the quantitative theory of money, which is highly plausible on its face to the average person, which has been the genesis of the greenback and fiat-money crazes that have perennially swept over the land, and notably displays itself in the present bill for the creation of a new banking system. To this day, even in the financial district in the metropolis of the country, the notion that gold is wealth or that mere money is wealth plainly controls the thoughts of people who, by education and general intelligence, might be supposed to know better; and it is open to very serious dispute indeed whether there are not more people in the United States who believe this theory to be true than there are those who do not. A community governed by a sentiment of this kind is not one where reason can be expected on the cost-of-living question. There is the mortifying reflection, too, that distrust of forms of concentrated wealth, suspicion of banks and bankers, and a general jealousy of people of means and especially of corporations, has always been latent with us; and, inasmuch as concentration of wealth and the division between classes has been more pronounced in other great civilized countries than in our own, and the so-called "idle rich" here less in evidence than elsewhere, the only imaginable source of the peculiar intensity of this jealousy in the United States is, paradoxically, the greater love of money that prevails here, the greater desire of the average American to become rich himself. Traces of this spirit were noticeable even during the good old times before the War of Independence, were pronounced after the French Revolution, and became a political factor in the outbreak of opposition in the early part of the last century to the first Bank of the United States under the leadership of Henry Clay, a man whom no one, even in his own day, called a radical.

Finally, an element of immense force in the present crisis is the decay in recent years, in the United States, in religious beliefs. With the very general sweeping away or at least great modification of orthodox religious ideas and the failure

of substitution in their place of ethical standards, the old-fashioned principles of right and wrong, of *Meum* and *Tuum* have also largely disappeared; so that it has naturally followed that the security of property is no longer looked upon, as it once was, as just as essential to the interests of society as the security of human life itself. From many points of view it has become the great current question and is one of plain honesty and dishonesty. Specifically and directly, the source has been twofold: The influence of sensational journalism, which includes that of the muck-raking magazines, and the propaganda of ignorance, unrest, and discontent which, for a decade, has been simmering in the so-called and miscalled "Chautauqua assemblies." Reference is unnecessary to the first of these, except to point out that it has been proved impossible for the old-time decent and conservative journalism of instruction to withstand the temptation to take the larger profits to be gained through muck-raking. Indeed, conservative journalism is no longer a paying proposition, and is rapidly dying out. The extent of the influence exerted by the self-styled "Chautauqua" gatherings is only slightly understood in the Eastern part of the country, probably because these assemblages are comparatively uncommon in the East. There are, however, about three hundred and fifty "Chautauqua" organizations in the country having permanent plants at summer places where the population entirely disappears with the close of a summer season lasting, usually, a couple of months; about three hundred other organizations having "plants"—mostly consisting, of course, of auditoriums—at towns or cities having a permanent population and where the Chautauqua sessions sometimes held in the winter-time have a more limited duration than at those first named; and from fifteen hundred to two thousand meetings, usually held in circus tents or other temporary places and conducted under the auspices of Lyceum Bureaus whose organization does not differ materially from those of the old lyceums known to a former generation. The word "Chautauqua," as attached to all these organizations, is a misnomer. None of these has any connection with the original Chautauqua Sunday-school Assembly on Chautauqua Lake in New York State, and the word Chautauqua as used in reference to them should really be an uncapitalized adjective.

It is not intended to be asserted or intimated that

the general tenor of the talk heard at these assemblages is of a Populist or Socialist character. The people in attendance there are the best elements of the communities in which they are located. They are respectable, orderly people and are of the class which is the backbone of our national life. Originally formed, however, in imitation of the Chautauqua Sunday-school Assembly, where the subjects discussed were of a religious or at least of a very serious character, the tendency has been at these gatherings toward lectures, discussions, and entertainments of a lighter vein, which, if in no way of a vulgar character, are yet of an essentially popular sort. Great differences also exist between the characters of different assemblies. Those designated as strictly summer places have retained the primitive spirit more closely than any other, while the circus-tent meetings, such as those to which public attention has been prominently directed during the present summer in connection with the speeches of Mr. Bryan, have come to partake of the nature of mere traveling theatrical organizations. As may be supposed, the trend of the talk heard at these meetings has been continually toward a greater radicalism. They are not places, taken as whole, where an hearty welcome is given to conservative or really scientific speakers, but where popular and rural prejudices are catered to and where the heresies and vagaries of the day are exploited.

Summing it all up, the position assumed at this time by a great mass of people in our country seems to be as follows: "We hear it explained that the higher cost of living is due to many natural and seemingly inevitable causes—to the relatively decreased supply of foodstuffs here and in the whole world, to the desire of people everywhere to live better than they did formerly, to foolish but more or less successful efforts of labor unions to obtain higher wages for a lesser number of hours of work, which has served, necessarily, to decrease the general productiveness of the nation and enhance the cost of the articles that are finally offered for sale, and to other forces of like nature. We are not interested in these explanations at all. We propose to stay in the cities if we wish to and we do not propose to be driven out upon the farms where our labor might be better paid and could be utilized in greater degree to the general advantage. We propose to go on increasing the population of the country if we wish to, and the

State owes us a comfortable existence even if we bring forth children that are unfit for the battle of existence. We see that you, our neighbors, have been more fortunate than we have, and have managed to get more money together; and this money we propose to take for our own use, not exactly by means of highway robbery, but none the less by main force through the operation of law and by means of votes cast in State and National Legislatures by representatives who will do our bidding. We do not care for the right and wrong of the matter or for what you call 'the former conservative way of looking at these things.' If you say that all this will result in a general dispersion of property, in a destruction of the capital of the country and an ultimate reign of universal poverty, we say we do not care whether it will or not. Such an event will probably not come in our own time, if it comes at all. After us the deluge."

DANIEL F. KELLOGG.

FILIPINO CAPACITY FOR SELF- GOVERNMENT

BY GEORGE HENRY SHELTON, CAPTAIN UNITED STATES ARMY

I

SINCE the legislature, more than any other branch, is the touchstone of a government's character, the executive promise to appoint hereafter a majority of native members to the Philippine Commission is, in effect, the longest stride yet taken toward self-government in the Philippine Islands. It transfers at once responsibility for local legislation from American to Philippine shoulders. Heretofore the Commission, as the Upper House, though unable since the creation of the Assembly, or Lower House, in 1907, to enact legislation to which the Filipinos were unitedly opposed, has still, through its American majority, been able to prevent the enactment of legislation held by them to be inimical to republican government or opposed to the interests of the archipelago. Hereafter, between the statute-books and whatever native legislators may desire there can be no barrier except the veto.

Unquestionably many friends of the Filipinos will regard this concession with some fear, albeit with much hope. No one will, or need, despair. Though long and crucial, it is still only another step along the path of popular government steadily pursued in our conduct of Philippine affairs since the Treaty of Paris. Against this progress, so long as the Filipinos show themselves even reasonably equal to the responsibilities involved, there can be nothing urged; but against the jump to independence, without regard to where the Filipinos (or ourselves) are going to alight, there is much. And yet this leap is still encouraged by Filipinos and threatened at home. It is not to be forgotten that the bill reported to the House during the last Congress provid-

ing for independence, practical on passage and complete after eight years, brought us near to the take-off—so near, in truth, that, whether through absence of courage or presence of judgment, enough drew back in alarm to prevent final action. Yet it is not safe, on this account, nor on account of the apparent determination of the present administration to avoid precipitate action, to assume that this measure is dead. Too many earnest, if mistaken, men are interested in it. Accepting this, the Philippine issue is still worth discussion.

Unfortunately, altruism and selfishness have combined throughout to cloud this issue. Through all the argument for and against American control, sentimentalism and commercialism have run riot. Neither should influence final decision. Nothing but the welfare of the Filipinos can provide an honest basis of settlement. Until this is determined, until, not what perhaps is best, but what will assure reasonable peace and progress in the Philippines, is ascertained, all other matters are aside. Thus the cost of the Philippines and their value to us are alike unimportant. Our admitted accomplishments in the Islands are equally immaterial. It is not a question whether the Filipinos unaided could do as much. No one believes they could. It is a question simply whether, alone, they could do sufficiently well—whether independence would mean progress or retrogression.

The Filipinos, it is said, desire independence. Many certainly profess to. As a matter of fact, the desire is far from unanimous, and, as another, there are some, at least, who, while professing it, if they do not altogether hope that it will not be granted, still in their hearts fear the result. Many more have no idea, literally or figuratively, what independence means. The voice of this class is not heard here, nor is it heard strongly in the Islands.

If this be admitted, the question narrows then to the capacity of the Filipinos for maintaining a reasonably decent, progressive, independent government. There is, of course, the external problem whether, even with internal peace and prosperity, they could maintain themselves as an independent entity in the family of nations; but this, as well, may be neglected until the other is answered.

For venturing to express here my own opinion in the matter I may submit that I have lived in five of the larger

islands of the Philippines for three years and for five years since have been in close touch with Philippine affairs and necessarily a student of them. I like the Filipinos, and number many of them as friends. I count myself their friend; and I speak as their friend when I say that they are lacking now, individually and collectively, in the capacity for self-government, and particularly for self-government under republican forms, and that, left to themselves, chaos will sooner or later inevitably result. Finally, these views are based not only on observation and study of the Filipino and his affairs, but on certain universal characteristics of human-kind; and are confirmed by facts that, if not at once admitted, cannot, I believe, be controverted.

Biologically, the individual is the product of heredity and environment. Nations, which are but aggregations of individuals, are no less so. The future of any people is to be judged only by its past development and its present environment. The likelihood of the Filipino peoples maintaining themselves as an independent national entity and the character of the government that would develop, if maintenance be possible, are to be judged only in the same way. The capacity of the Filipinos, like any other people, is to be shown by their blood, their training, and their experiences. Each of these denies successively present capacity for self-government; each of them laughs at republican forms.

Primarily the Filipinos are tropical peoples. And nowhere have tropical peoples yet carried self-government to success. Most of them, indeed, are still subject races, without thought in a wide sense of anything different. Again, excepting the aboriginal Negritos, a vanishing stock without future, the mass of Filipinos is pure or nearly pure Malayan. As an item of heredity, there is no case in history where the Malay of himself has been able to create a government, or has done aught to advance the arts of civilization. Yet in justice we are interested here in a different order of Malayan peoples than the general run. Excepting the pagan tribes and the Moros, some seven-eighths of the inhabitants of the Philippines, or nearly seven million in number, are Christians, who for more than three centuries have been under the tutelage of Western Christian civilization. It is this great majority that is meant ordinarily by the term Filipinos, and it is this body that concerns us now.

Much has been written of the Filipinos during the last twenty years, and much of the testimony is favorable. Most of the Americans who since 1898 have visited the Islands speak well of them. They are quiet, moral—albeit, perhaps, in another than Western sense—generous and hospitable, and devoted to their families. Taken young, they are easily led, easily educated, and develop under training marvelous manual dexterity. They are highly imitative. They love music. They are sensitive. Well led, they have shown marked loyalty—to persons rather than causes—and denied the characteristic of treachery imputed to the Malay. Well led, also, they have shown marked physical courage.

Now these are all desirable qualities, but are they sufficient of themselves to assure capacity for separate nationality, much less for maintenance of popular self-government? A people easily led may, it is true, be easily governed. The United States since the establishment of civil government has found few practical difficulties in governing the Filipinos. But easy control of peoples easily led is dependent upon the number and power of leaders. People easily led in one direction are easily led in another, and with the development of different and equally powerful leaders, division and corresponding difficulty in control might readily follow. Generosity, morality, hospitality, and the other qualities enumerated do not of themselves signify capacity for progress or self-control. For leadership, for progress in any line, there must be always energy and initiative. And unfortunately no one has testified to the possession of energy and initiative by the Filipinos. No one can—the Filipinos do not possess them; they lack them utterly.

They lack these qualities originally through heredity. Historically no Malay people has revealed them. Indeed, no tropical people has revealed them. It may be blood or it may be climate—the fact remains. Lacking them originally, what opportunities have the Filipinos had to develop them since? For the centuries of Spanish domination certainly there was none. Time was, it is true, when individual liberty, under which only does individual initiative thrive, was the genius of Spain. But that was long centuries ago. During nearly the whole period of Spanish control in the Philippines, Spain herself grew steadily more centralized, and the safeguards of personal liberty were wholly lost.

Spanish freemen did not, in rebellion against this tendency, flock to the Philippines, as English freemen flocked for the same reason and at the same time to Western Atlantic shores. Only a few of the controlling classes at home—priests and monks, soldiers and civil officeholders—went out to control with increased rigidity in the Far East colony. There the native, when reached at all, was a chattel. He was guided, led, driven—into bondage. He was Christianized, truly a marvelous work, but he was held, purposely, in ignorance and superstition. Energy was discouraged; initiative was punished.

Only with the advent of the Americans, with the institution of popular education, with the establishment of local autonomy in the municipalities, with an increasing share by natives in the insular government, and with the encouragement of native industries, was opportunity for development of these qualities provided. And it seems inconceivable that a people lacking them at the outset and held for more than three centuries in an environment preventing their development could in a dozen years develop either energy or initiative to a point likely to be a controlling factor in their immediate future.

But the lack of these qualities, it may be said, is asserted, not established. Exceptions occur to all. Rizal, the Filipino martyr; Aguinaldo, who led the insurrection; the crippled Mabini, his minister and intellect; Bonifacio, the illiterate but powerful chief of the Katipunan, who died because in Aguinaldo's way; Antonio Luna, War Minister of the Malolos Government, who died for the same reason; Sixto Lopez, the insurgent emissary to the United States; Areneto, Chief Justice of the Islands; Arellano, Attorney-General; Speaker Osmeña of the Assembly; Manuel Quezon, the active commissioner representing the Philippines in the Congress of the United States; Aglipay, the leader of the Philippine Church; Sumulong, Legarda, de Tavera, Lim, Mapa, all prominent in public life, in literature, in medicine, or law—all these and others have revealed energy and initiative in many different directions. And there are native-born, outside of public life and the learned professions, engaged in commerce, agriculture, or industry, that have shown these qualities finely in their own lines of work. Assuredly energy and initiative are essential to independent existence, but how, in the face of these notable examples,

is it possible to deny their possession to the Filipinos? The answer is simple. It is nothing against the native-born named and all the others that might be named to say that they establish nothing for the Filipinos, since they themselves—are not Filipinos. This is the fundamental fact of blood that tells the whole story of the Philippines. These and every native-born that has reached distinction in any line, that has even of himself attained mediocrity, are mestizos—mixed of blood. The strain that has given them the desire to advance, to struggle, to succeed, is not Malay, not Filipino; it is foreign. And most of those named, let this be well noted—and most of those that might be named—are Chinese mestizos—their fathers or grandfathers or great-grandfathers or even more remote ancestors were Chinese. Observation seems to establish that immediate Chinese ancestry on one side means less for progress than the more remote. The half-breed means less of good (and frequently more of bad) than the quarter, the eighth, or the sixteenth. Very slight dilution means often the best.

There is nothing definite as to the number of mestizos in the Philippines. They form, comparatively speaking, a small fraction of the population. In this, however, the Chinese is dominant. This is natural. Though in possession of Spain for more than three centuries, there was never much Spanish emigration to the Islands. Until the opening of the Suez Canal it was confined practically, as already indicated, to the priests and governing officials. Following the opening of the canal there was an influx from Spain bent on commerce and industry, but it never reached large proportions. The Chinese, on the contrary, when permitted and even when not permitted, came to the Philippines steadily for three centuries. Nearly always this was for purposes of trade, seldom with the intent of remaining. Nevertheless, at the time of the census in 1903, while there were but about four thousand inhabitants of Spanish birth, there were over forty thousand of Chinese birth. Whatever the proportion of mestizos, the Chinese and Spanish infusions are strongest. Ours and other foreign mixtures are negligible. The important thing is that the Chinese dominates.

Mr. Wright, formerly Governor-General, out of his experience in the Islands, once expressed the belief that there was not a single family of prominent, dominant Filipinos there who had not Chinese blood. Quoting this, Professor

Albert E. Jenks, of the University of Minnesota, formerly chief of the Philippine Ethnological Survey, said in 1912:

Now, as then, I disagree absolutely and fundamentally with President Taft in his policy concerning the Chinese in the Philippine Islands. The full-blood Malayan Filipino has no great future in the Philippine Islands; if we allow the Chinese to come in and breed up a new race of men, then the Filipino will have a future. It is the Chinese mixed blood who is the dominant, prominent leader in the Islands. That is a simple statement of fact.

We need not consider the suggestion now. Certainly it is not our present intention, however desirable, "to breed up a new race of men" in the Philippines. But if we turn the Islands adrift, if we leave them to the dominance of a few thousand Chinese part-bloods, will they attempt to give the Filipinos a future in this way? It does not seem likely. The Chinese mestizo despises the Chinese as only a relative can. Will they attempt to find a future in some other way for the pure-blood native? to raise him to their standard, socially and politically? It seems equally unlikely. The mestizo despises the pure of blood as only the mixed can. What, then, will be the outcome? Class control, first of all; then class hatred; and then—chaos.

This is not guesswork: it is logic. It is merely a future continuing from a past. We found in the Philippines nearly eight million souls, the great majority of whom, pure of blood, lived generally dispersed throughout the archipelago, in ignorance, poverty, and indolence; and a small minority, mixed of blood, educated, wealthy, and ambitious, generally in the cities and towns. For the pure-blood Malay is not urban, and he is not a traveler. Thousands of families are living to-day, as always, in little shacks in the hills, remote from all others, from which none of the occupants have ever moved more than twenty miles. Thousands of others are in little villages, almost equally remote—and are equally content to remain there. These thousands make up largely the mass of seven millions, whose voice is never heard and who have little use for a voice, because, if left alone, they are content. Yet most of them have been peons, or no better; many of them are peons now, or no better. They obey, as always, their head man, who, in turn, obeys still some other superior, nine times out of ten of mixed blood. But infuse into one of this mass some stronger blood and he changes. If the mixture is good he becomes head

man or higher superior himself; he travels, moves into the town; enters into the struggle for wealth and place—and achieves both. So some of them changed in the past, and thereby produced the small, superior mestizo class that dominates to-day. It is the voice of this class that is heard; that fills the ears of visiting parties of Congressmen; that shouts across the sea for independence—and yet it is the same class that helps ably in many ways in the maintenance of our government there. Under Spain it was no different. Until, in part, it rebelled against Spanish domination it helped ably in maintaining Spanish control. The under officers of the government, the local chiefs, the native-born priests, all came from it—had indeed to come from it, because, speaking generally, there was no other class of sufficient force, energy, and education on which to draw. In part, finally, it rebelled and carried with it in rebellion part of those of the mass it controlled; rebelled honestly, no doubt, in part, but also in a considerable measure, most students must conclude, not so much from hatred of Spanish power as from love of its own.

And a dozen years of our control has not wrought revolution in the hearts of men. We have improved the Islands; we have not altered the islanders. The mass is still separated, still divided into many tribes, with different languages and dialects, different customs, and different hatreds. Though suppressed now because their mestizo leaders, otherwise engaged, are united in a common cause, intertribal differences are as ready as ever to crop out whenever these leaders may be left with time to develop them. * Slowly, education and a common language are spreading among them. But the older generation we cannot hope to reach. It will hold its own views, continue its old obedience, be satisfied as of old without a voice until the end. Nor can we reach more than part of the younger. The rest will grow up largely under the hold of old customs. To reach all will require many years. We ourselves may never reach them; but we should not delude ourselves into believing that the dominant class in the Philippines to-day will ever of its own accord attempt to reach them.

For the Philippines present a condition, if not new in history, at least found nowhere else to-day. In few countries are the pure of blood in so large a majority as in the Philippines; in no country not held subject to autocratic power

has the pure-blood native-born so little social, political, and industrial influence as in the Philippines; in no other country whatever do we find a small minority of mixed-breeds dominating in every circle.

Independence for the Philippines now would not mean independence for the Filipinos: it would mean unchecked power for the mestizos. Republican forms of government would not, with independence, mean republican government; they would mean unchecked control by the mestizos—for so long as the Chinese mestizos could dominate the others and agree among themselves. This is not meant harshly. There are good mestizos, many of them, and bad mestizos, perhaps in the same proportion. Mestizos are no different in this respect than the rest of us. Certainly there are many among them who are honest, earnest, cultured men whom it is a pleasure and profit to know. As a class they are no more or less than the rest of us—the product biologically of heredity and environment. And there is probably no doubt that, in unfettered control, they would provide better government for the Philippines than the voiceless host of pure-bloods could hope to create. Only it would not be republican—and it would not last.

II

The insurrection of 1899 against the United States, like its prototype of 1896 against Spain, has been called a Tagalog rebellion. Both began in the Tagalog provinces. Most of the leaders of both were Tagalogs. All the inspiration was Tagalog. Aguinaldo, the high chief of both, and Mabini, probably the brains of both, were Tagalogs. The reason is apparent, but the title is still a misnomer. Both were mestizo rebellions. Both began in the strongest mestizo provinces. Most of the leaders were mestizos. All the inspiration was mestizo. And Aguinaldo and Mabini were both mestizos.

It is true that the Tagalogs, though far second to the Visayans in number, are, as a tribe, more active and advanced than any other. It is to be doubted, however, whether this is due so much to any difference in stock as to heredity and environment; to greater admixture of blood, and to location. The Tagalog provinces surround Manila, the capital and the only great city and port of the archi-

pelago. To Manila came first all of the Spaniards and most of the Chinese. From Manila they and their descendants spread first, naturally enough, and always in predominating numbers, to the nearest (Tagalog) provinces. There their blood diffused more rapidly, and, as a consequence, more mestizos are there than elsewhere. The cause of Tagalog supremacy is not Malay, but Chinese.

During both rebellions, call them what we may, a revolutionary government was instituted, styled the Philippine, or Filipino, Republic. These two efforts comprise all of the experience of the Filipinos in conducting government unaided. From this experience we may judge something certainly of how the Filipinos would conduct government unaided now. True, they must have here gained some knowledge during the last dozen years; but, again, a dozen years does not change the nature of a race or the customs of a people. The blotting power of centuries is too great to permit hope that, if left now, what we have written in the Philippines could long endure.

The nature of the two revolutionary governments was probably not largely different. We know more of the second; it is of greater interest to us; it was undoubtedly nearer completion in forms and had a larger sphere of action. It will be sufficient for our purpose. Aguinaldo chose Malolos as his capital until he could take Manila. He held Malolos until driven out by the American advance. His government there was termed the Malolos Government.

There has been much loose talk concerning it. For the Filipinos, it is claimed that the government thus established was complete in all its branches, based on a written Constitution, republican in form, and that it extended to all parts of the archipelago. Against this, for the Americans, it is stated that it was incomplete in practice, imperfect in control, limited in extent, and unrepublican in form. Plainly, the unprejudiced historian is not to hope for historical truth from prejudiced observers of the struggle in the Philippines. The Philippine advocate, working then for independence and professing the same desire now, must naturally color his account to reflect his cause. But the American, as well, victorious then and anxious perhaps now to preserve the fruits of his victory, may paint his picture with the same brush of exaggeration. It is not from either that the truth is to come. It is only from the records of the

Malolos Government itself. Fortunately, the future historian will find better original sources than is given to the historian of most events. But, for the complete story, we shall have long to wait, for his task will be heavy.

During the insurrection there fell into American hands some two hundred thousand insurgent documents, in all forms from tattered bits of wrapping-paper with illegible scrawls to carefully written books of many pages of stamped paper. They were in all conditions and many languages. They included all the records of the Malolos Government that, so far as known, have survived. Translations of some of these documents have been published, and many more made. All have been examined, most of them sorted and arranged in order, and diligently studied. This was not my work, but I have had the benefit of much of it, and it is out of this and my own study that the opinion expressed here and the facts given come.

And all point to this. The Government of Aguinaldo was not complete. It did not have all of the forms in practice. It did not extend over all, or even over a considerable part, of the archipelago at the same time. It was not republican in any way whatsoever. It was an oligarchy of extreme type. Control rested in a little group of educated, ambitious, and powerful natives, mostly or all mestizos, surrounding Aguinaldo, guiding him and possibly dominating him, exercising its authority whenever necessary by force, often employing cruelty, and apparently not hesitating even at assassination to preserve its power. Representative government was promised, but the promise was never kept. A Congress was assembled, but the selection of its members made the forms of popular government a mockery. A Constitution was published, but only after General Otis had issued his proclamation announcing that the Government of the United States would be extended over the Islands, and then only to deceive the Americans by suggesting that the Filipino peoples were prepared to govern themselves under forms that Americans loved.

Much of the story of this Congress and this Constitution and its so-called ratification is revealed. By Aguinaldo's decree suffrage was limited to those "marked by their good conduct, their wealth, and their social position." This was sufficient to confine it to the *principales*, or head men, of a former day who held the masses in the bonds of peonage.

The heads of towns thus chosen were in turn to elect a head of the province and three councilors. This council of four was to elect representatives to the Congress. The Congress was charged with "submitting suggestions" to the central Government, and it was to be heard by the Government "upon serious matters which admit of delay and discussion." Aguinaldo, with his little group of advisers, was the Government referred to. Before any one elected to office could discharge its functions, his election had to be approved by the central Government—by Aguinaldo. In case a province was unable to elect representatives, they were to be appointed by the central Government—by Aguinaldo. Where matters would not admit of delay, the President was to act upon his own judgment. The President was to decide what matters would admit of delay. The acts of this Congress were not to go into effect until the President ordered their execution. Finally, the President had the right of veto. This form of government was carried into partial effect as rapidly as territory won from the Spaniards could be covered; but it was carried into effect under commissioners sent by Aguinaldo to each province, who conducted a form of election, with the chosen representatives subject in each case to his approval. This alone is sufficient to establish that all real power was held by the central group, with Aguinaldo at its head.

In most cases Aguinaldo's commissioners were officers of his army. In some cases they appointed delegates for the elections in the smaller towns, but in most cases they presided themselves. It was they who selected the electors "marked by their good conduct, their wealth, and their social position," and they appear in most cases to have been unable to find many with the prescribed qualifications. In Lipa, for instance, with over forty thousand inhabitants, a *presidente*, or mayor, was chosen, for whom twenty-five votes were cast. There were many other similar instances.

And it was a Congress so chosen that ratified the Constitution. As printed by the Philippine Government, this instrument was signed by ninety-three members. According to another list, it appears likely that only nineteen of these were elected even under the mock elections held. The others must have been appointed. It has been said that Mabini wrote this Constitution. On the contrary, he struggled strenuously against its adoption, and there is little doubt

that this was the action that led to his fall from power. For a constitution was thought necessary to meet the conditions confronting the insurgent Government, and Mabini appears to have been too honest to play this kind of politics. Mabini had, indeed, long before written a constitution, but also long before this he had become convinced that no form of constitution could then meet the situation; and over his own signature he confessed to Aguinaldo that only a dictatorship could hope to succeed.

So the Constitutional Government went into operation; but, notwithstanding, republican principles seem not to have been well understood. It was a common usage to refer to Aguinaldo and his consort as "the royal family." His orders were "royal decrees." An officer of his army writing to him, said:

In accordance with the order of the Secretary of War of our republican Government . . . issued in compliance with the royal decree. . . .

Another follower in Tondo, protesting against the acts of the local *presidente*, said:

With this purpose, then, we respectfully approach the foot of your high throne. . . .

And so on without number. Of course, this might have been the ignorance of the mass; but by telegraph to Malolos General Noriel inquired, January 13, 1899, concerning the nature of the rewards for his officers when he should take Manila. Aguinaldo wrote the reply on the back of Noriel's message, promising for "the heroes "

. . . a large quantity of money, . . . crosses of Biak-na-bat6, Marquis of Malate, Ermita, Count of Manila, etc. . . .

Curious rewards, these, for a republican Government to offer; still more curious when we know that only a week later Aguinaldo approved a Constitution forbidding titles in the Philippines. This, too, may have been ignorance, but, if so, was it ignorance of anything except republican principles?

The financial transactions of the so-called government showed much of the same—ignorance. The Malolos Congress authorized a loan of twenty million pesos, and the establishment of a bank "in Manila" to receive the proceeds. Nothing came of the bank, of course, but the loan was formally ordered. The Government announced that

it was "spontaneous and voluntary." There was nothing spontaneous about it, and little that was voluntary. It was, in part, collected—by persuasion when possible, by force when necessary. The order forbade force, and the collectors used it. Probably they had to use it. Far from all that was collected reached the treasury.

It is impossible, if not unnecessary, to go farther here into the record of the Philippine Republic. The whole points unerringly to the same end. The Government was republican in nothing except name. Most of the controlling group of mestizos were ignorant of republican principles; and with most of them nothing was farther from their minds than the maintenance of a Government that should admit to equality with them, either socially or politically, the voiceless mass of the Filipino peoples.

A Government by them to-day would be no different. For so long as it lasted it would be no more than a mestizo oligarchy in absolute and selfish control of seven million Filipinos. Their blood, their training, and their practice establish this. Neither the welfare of the Filipino nor the pride of the American is to be preserved by helping to such an end.

GEORGE HENRY SHELTON.

WAS NEW YORK'S VOTE STOLEN?

BY WILLIAM GORHAM RICE AND FRANCIS LYNDE STETSON

I

CAN the electoral vote of New York State be stolen? Did such a theft occur in 1884? Was the will of the people then criminally perverted and did Democracy come into power at Cleveland's first election with a fraudulent title to the Presidency?

These questions arise for the reason that doubt of the honesty of the declared result of the Presidential vote of New York in 1884 has been announced recently by a writer of considerable reputation. Even if not supported by evidence, a suspicion of this kind put forth by responsible authority is not unlikely to have some weight when in the future the story of our own times comes to be written. Especially may this occur if the allegation remains uncontroverted and secures without challenge a place in the record of the present. A statement expressing such a doubt seems, therefore, to deserve consideration at this time and to warrant reply from representatives of those who had close association with the first election of Mr. Cleveland and direct knowledge of the events of that campaign.

It is true that immediately after that election a few bitter partisans of minor consequence and some subordinate office-holders, who through undisturbed occupation for twenty-four years had come to look upon government place as a private perquisite, indulged in a recreation perhaps fairly to be characterized as "swearing at the Court." Some newspaper writers, too, whose election predictions had gone wrong, and other men who had made wagers and lost, apparently found mitigation of their disappointment in claiming that there were frauds in the count. Where these

frauds were they did not attempt to specify, but consoled themselves with vague and undefined accusations. After a little time, however, virtually all these accusers admitted fair defeat and the trustworthiness of the returns showing Cleveland's election was accepted by unprejudiced and carefully informed men throughout the country. In the State of New York where the issue particularly arose and where all the facts were best known there was a universal conclusion that a truthful result had been declared.

Though generally conversant with all that has been written about Mr. Cleveland, I had never seen this charge of dishonesty as to the declared vote of New York supported by name until the publication of an article entitled "Election Superstitions and Fallacies" by Edward Stanwood, in the *Atlantic Monthly* for October, 1912. Mr. Stanwood is a well-known writer whose reputation as a publicist has been largely established by his *History of the Presidency*. He is also the author of a *Tariff History of the United States*, written from the protectionist point of view, it is true, but esteemed upon the whole accurate even by those who are adverse to the protectionist theory. Mr. Stanwood presented something more than vague and unsubstantial accusation and, accordingly, on October 8th, I wrote him:

DEAR SIR,—In the article "Election Superstitions and Fallacies" . . . you say, "there is a strong probability at least that he (Blaine) did actually have a plurality of the votes honestly cast in that State (New York)." Will you kindly refer me to the evidence which has led you to this conclusion?

I was well acquainted with the election procedure in the State of New York at that time, and I have never seen evidence to make me doubt the absolute accuracy of the count (of 1884), and until your statement I had not supposed that such count was questioned by any well-informed man.

—Yours very truly,

WILLIAM GORHAM RICE.

Mr. Stanwood, on October 11th, replied:

MY DEAR SIR,—I am unable to present any definite information to justify my statement that the vote of New York was fraudulently counted for Mr. Cleveland in 1884. In the nature of things such information, properly to be termed evidence, is impossible. But I am surprised that you should think that the count was not "questioned by any well-informed man," for it was most emphatically questioned by many. To my certain knowledge it was questioned by Mr. Blaine himself, but he was well aware that there was no way in which it could be investigated, and he would not have sanctioned an investigation if there had been a way to make it.

You probably do not know that I was, all my life, intimately connected

with Mr. Blaine, as a cousin of his wife, as a fellow-townsmen, as secretary of the Republican State Committee of Maine when he was the chairman, and in many other ways, and that I wrote his biography for a volume in the American Statesman series. I venture to append the remarks I made in that volume on the result of the election (page 291):

"New York was counted for Cleveland, but there were then, and are now, few Republicans cognizant of the facts who doubt that a plurality of votes was actually cast for Mr. Blaine. It was openly charged at the time, and commonly believed by Republicans, although Democrats warmly denied it, that in many precincts of New York City the votes for Butler were counted for Cleveland. The conviction, a few years later, of the unscrupulous boss of a town near New York, on a charge of falsifying election returns, confirmed in their opinion those who held the view that Blaine was really elected."

That, of course, is neither evidence nor an approach to evidence; but it does at least—so I think—justify the sentence from my article which you quote. The facts that the counting was in the hands of Mr. Blaine's opponents; that the opportunity to falsify the result existed; that such falsification had been practised on other occasions; and that there were many men in charge of the counting who were not above making false returns; all these things combine to suggest at least that when a national election could be carried by a reversal of 575 votes, the suspicion is not unreasonable.

Yours truly,

EDWARD STANWOOD.

Before Mr. Stanwood's and other similar accusations are taken up in detail and the process is considered by which the result of the election in question was ascertained in New York State, the situation there will be better comprehended by recalling some incidents of the Presidential campaign in 1884 which I have elsewhere related.

It was Grover Cleveland's courage and rectitude as shown in his public acts as Mayor and Governor that led to his first nomination for President. He drew to his support progressive-minded men from all parts of the country, many of whom previously had had no identification with, or even had been actively in antagonism to, the Democratic party. Opposed to him was James G. Blaine, who had long been conspicuous in public affairs, who had been Speaker of the House of Representatives, and who had secured the nomination after many years of aspiration and of devoted effort on the part of ardent admirers. At the close of his nationwide speaking tour, just before Election Day, Mr. Blaine had passed through New York City. He was there long enough, however, to receive a clerical delegation whose spokesman, addressing him as the opponent of "Rum, Romanism, and Rebellion," had met with neither immediate rebuke nor contradiction.

As Assistant Secretary to Governor Cleveland I had direct knowledge of his campaign, and it so happened that I was particularly associated with the events of and immediately following Election Day. That day generally ends the Presidential campaign, but it was not so when the first extended control of national affairs by the Republican party ceased. In 1884, after a campaign perhaps unequaled in party heat from beginning to end—and in which the last week had been particularly exciting because of the incident referred to above—when the polls had closed interest suddenly intensified, and flamed up and centered upon the vital question of which candidate had carried New York State. The election there, it clearly appeared, was close, phenomenally close. A few hundred votes either way would determine it. To which side would the balance go? If in the one direction, Democracy after its long exclusion from power would be triumphant in the nation. If in the other, Republicanism would remain dominant. At once remembrance of the Tilden-Hayes controversy became vivid. Again the country was confronted with the dangers of a disputed title to the Presidency. Again the possibility even of civil war was in men's minds.

Mr. Cleveland, after casting his vote in Buffalo early on Election Day, had returned to the Executive Mansion at Albany. In the evening with a few intimate friends gathered about him he received the returns there. Congratulatory telegrams began to pour in soon after the polls closed, but while these despatches and friendly newspaper bulletins were claiming New York State for him by many thousands, few satisfactory detailed figures were received. There was no telegraph wire at the Executive Mansion, and even the telephone early went out of commission that night in a rain-storm which as the hours progressed became almost a deluge. Messengers were the only means of contact with the outside world. In this situation I went to the Albany *Argus* newspaper office and from the working press wire there began before long to get fairly exact, though fragmentary, returns. Assembling these in partial totals, I soon reached a conclusion which was at variance with the then general opinion that New York State had given a large majority for Mr. Cleveland. My conclusion was based upon percentages of comparative gain over other years as shown by the exact figures from scattered election districts both

in cities and in rural communities. While the drift seemed constantly and surely favorable to Mr. Cleveland, it was so slight that I was satisfied his majority would not be over 2,000. This rather startling conclusion I wrote out, with condensed figures sustaining it, and sent it by special messenger to the Governor's Secretary, Colonel Lamont, who was with Mr. Cleveland at the Executive Mansion. The situation immediately became the subject of careful consideration there by the four or five men who had been in particularly close touch with the contest in New York State, and soon after midnight we sent the following telegrams to two or more prominent Democrats in virtually every county of the State:

The only hope of our opponents is in a fraudulent count in the country districts. Call to your assistance to-day vigilant and courageous friends, and see that every vote cast is honestly counted. Telegraph me at once your estimate, and let me hear from you from time to time until actual figures are known.

DANIEL MANNING.

Mr. Manning was the Chairman of the Democratic State Committee, but he was not at the Executive Mansion, and his name was used without consultation with him. In fact, he knew nothing of the telegram until replies began to come in. Later telegrams to citizens of the highest standing urged them to go to the Clerk's office in their respective counties, to remain there until returns were filed, and then to obtain certified copies of such returns and to send these copies by special messenger to Albany. Gradually semi-official returns were collected at the Executive Chamber in Albany, and Mr. Cleveland's assured majority in the State was more accurately known there than anywhere else. The exact majority determined finally by the State Canvassing Board in the following December was 1,047.

When our Executive Chamber tabulation of detailed returns was finished, and Mr. Cleveland was satisfied that the totals told the truth, he sent this telegram, November 6th, to a friend:

I believe I have been elected President, and nothing but grossest fraud can keep me out of it, and that we will not permit.

But it was not until later in the week when the Manager of the Western Union Telegraph Company at Albany delivered into Mr. Cleveland's own hands a message received

over a special wire that the situation was relieved of doubt. That message was in these words:

GOVERNOR CLEVELAND,—I heartily congratulate you on your election. All concede that your administration as Governor has been wise and conservative, and in the larger field as President I feel that you will do still better, and that the vast business interests of the country will be entirely safe in your hands.

JAY GOULD.

Coming from the most conspicuous of his opponent's supporters—from one who was the head and center of the group of interests which had continued to claim that opponent's election, it satisfied Mr. Cleveland that the contest was over and the victory won.

How the call of the telegram of Election night was obeyed, and how implicitly the canvass of the vote deserves to be trusted, is told in pages following by Mr. Stetson, who largely organized and directed the special protective measures which were continued until the declaration of the vote of New York State. It was the prompt, intelligent, and devoted efforts of the group of men of which he was one that preserved inviolate and unsullied for the Democracy of the Union a victory in what may well be considered the most important election of recent years. Defeat in 1884 assuredly would have seriously weakened the vitality of historic Democracy as a party in the United States. Success in 1884 established that party anew, and as a sequence brought into effective relationship a body of younger men of high political ideals whose maturer association had no small influence in the Democratic success of 1912.

This preliminary part of the history of the Presidential count of 1884 in New York State, I believe, cannot be concluded better than with the words concerning the Stanwood letter spoken to me late in October, 1912, at Princeton, by Mrs. Cleveland: "You and I know," she said, "the Presidency would have possessed no interest for Mr. Cleveland had he felt there was the remotest taint upon his title."

WILLIAM GORHAM RICE.

II

The "group of men" referred to by Mr. Rice as watching the canvass in the City of New York was assembled under the authority of the following letter to me from the Chairman of the Executive Committee of the National Democratic Committee under date of Thursday, November 6th:

DEAR SIR,—In view of the fact that the Democratic electoral ticket in the State of New York has been chosen by a narrow majority, which may possibly be disputed by the Republicans, and sought to be reversed, I have the honor to request that you will take steps to organize a committee of the bar to guard the rights of the people before the boards of canvassers throughout the State, and thus secure an honest count. I venture to urge prompt action and to appeal to the patriotism of the bar, which has never yet failed to assert and protect the liberties of the people.

If you consent to act, kindly meet me at my room, No. 71, Fifth Avenue Hotel, at 8 P.M.

Yours very truly,

A. P. GORMAN,
C. Ex. C.

In response to an appeal on the basis of this letter fifty or more Democrats and Independents eminent at the bar of New York immediately offered their services, and during the next ten days devoted themselves to the supervision of the count throughout the State. Their energies did not relax until upon November 16th the New York *Tribune* conceded the election of Mr. Cleveland.

My own part was at the Hoffman House headquarters, where I was in charge, under the direction of William C. Whitney, having the continuous assistance and advice of Roscoe Conkling, and the occasional counsel of Carl Schurz and James C. Carter, all being in constant touch with the situation and informed as to all that was going on. They were all impressed, and so declared themselves, with the obvious fairness and frankness of the procedure and with the manifest determination of all that, whatever the consequences, this election should be decided according to the vote actually deposited in the boxes. That such was the result, and that Mr. Cleveland actually and honestly carried the State of New York by more than 1,000 plurality, I have not the slightest doubt, and I know that my opportunities for knowledge were better than those of Mr. Stanwood, and also better than those of Senator Hoar or of any of the anonymous cynical Senators quoted by him in his *Autobiography* (Vol. I, p. 408), as follows:

I suppose it would hardly be denied now by persons acquainted with the details of the management of the Democratic Campaign, at any rate I have heard the fact admitted by several very distinguished Democratic members of the Senate of the United States, that the plurality of the vote of New York was really for Mr. Blaine, and that he was unjustly deprived of election by the fraud at Long Island City by which votes cast for the Butler Electoral Ticket were counted for Cleveland.

The pre-election campaign, of course, was under direction

of the National Committee, comprising several Democratic Senators, but neither these Senators nor any one else had authentic information, except from or through me and my associates, as to the details of the post-election canvass, and I deny absolutely and unreservedly that "the vote of New York was really for Mr. Blaine" and that he was unjustly deprived of election by fraud either "at Long Island City," the one locality specified by Senator Hoar, or "in many precincts in New York City," as charged by Mr. Stanwood, who candidly admits that at the time "Democrats warmly denied it."

Twenty years after by Senator Hoar and thirty years after by Mr. Stanwood is rather late for the reproduction of these unfounded charges, and it may be fortunate that there are yet remaining some who are able to demonstrate that they are unfounded. To this demonstration I shall now address myself.

For the purposes of convenient consideration the single specification of Senator Hoar and the several insinuations of Mr. Stanwood may be combined and classified as follows:

(1) That the counting was in the hands of Mr. Blaine's opponents.

(2) That Butler votes were counted for Cleveland (*a*) in many precincts of New York City, (*b*) in Long Island City.

(3) That an unscrupulous boss of a town near New York was convicted a few years later of falsifying election returns.

These are the three and the only three points on which either Mr. Stanwood or Senator Hoar rests his charge.

1. As to Mr. Stanwood's first point that "the counting was in the hands of Mr. Blaine's opponents":

This certainly was not so as to the country districts, nor was it so as to the New York City districts.

In every New York City district there were four election inspectors, of whom two were Republicans and two were Democrats. But of these Democrats most, if not all, were nominated by the Tammany organization, which had been bitterly opposed to the nomination of Cleveland and was referred to in General Bragg's famous declaration, "But most of all, we love him for the enemies that he has made." The Chief of the Bureau of Elections was John J. O'Brien, a partisan Republican. The Police Board was bi-partisan, under the control of a Tammany-Republican combination

which at that very time was in full operation ousting Joel W. Mason, a conservative Republican, so as to put in John McClave, more satisfactory to both machines. To any one acquainted with the local political situation in New York in the autumn of 1884 the suggestion that the election machinery was in the hands of "Mr. Blaine's opponents" (a phrase which is meaningless unless intended to mean Mr. Cleveland's friends) is utterly absurd.

The Cleveland managers were in great anxiety as to the purposes and the conduct of this Tammany-Republican combination, and its control of the election machinery in New York City, and, as presently will be seen, they took efficient measures to ascertain and to guarantee the accuracy of the official canvass, notwithstanding the anti-Cleveland control.

The country conditions were even more perilous to Mr. Cleveland; that is, upon the theory of Mr. Stanwood in his letter, that the counting was in the hands of the friends of Mr. Cleveland.

Of the sixty New York counties, forty-six were for Mr. Blaine, giving him 68,423 plurality over Mr. Cleveland. Besides New York, Kings, and Westchester, Mr. Cleveland carried eleven counties. In these eleven Cleveland rural counties were 397 election districts as against 1,766 districts in the forty-six rural counties for Mr. Blaine, who would have been elected by a change averaging less than one vote in each Blaine district. Naturally, in view of the memories of 1876, much alarm was felt by the Cleveland friends at Albany who sent out the call in Mr. Manning's name, "The only hope of our opponents is in a fraudulent count in the country districts," and at our New York headquarters, where we collected as splendid a body of young lawyers as ever assembled and sent them out two by two to watch the canvass in every doubtful county.

Similar precautions were taken by the Republicans, as printed in the *Tribune* of Monday, November 10th:

The Committee have made preparations to have the canvass closely watched in every county of the State. Careful inquiry will be made into the matter of votes cast for Butler or St. John electors being counted for Cleveland.

Never was a canvass watched more closely on both sides, nor one conducted more fairly than that of 1884 in all the counties of New York. This was recognized at the time by

both the State and the National Republican Committees. In the *Tribune* of November 8th the State Committee declared that it did not make any wholesale charges of fraud, but stated simply that "the canvass will be watched with care," and on the 9th the National Committee announced that

The Republicans are taking the most careful and thorough measures to ascertain errors, if any have been made, and frauds, if any have been committed, in the returns of the late election in the State of New York.

This supervision and these measures by both Republican Committees, fully awake and forewarned, never eventuated in any charge whatever. This certainly would not have been the case had there been even plausible grounds upon which to challenge the perfect accuracy of the official canvass. It was a lack of votes, not a theft of votes, that lost the State to Blaine. As Secretary W. E. Chandler said to me at the close of Cleveland's Inauguration Parade, "That's all very fine, but I wish that we had had one thousand more votes in New York."

Out of a like disappointment Mr. Blaine's kinsman, partisan, and biographer has permitted to emerge a cruel imputation upon the fairness of this election in the State of New York, unworthy of his own high character, and refuted upon even slight examination of the events and the contemporaneous records of 1884.

2. The charge that the Butler votes were counted for Cleveland (*a*) in many precincts of New York City and (*b*) in Long Island City:

(*a*) As to the New York City canvass as charged by Mr. Stanwood, the first suggestion of this kind was brought to me on Thursday, November 6th, by my old-time friend Talcott Williams, then connected with the *Press* of Philadelphia, from which city he had come over to New York, sincerely believing that such a transposition of Butler votes had been made to Cleveland to the detriment of Blaine, whom the *Press* was supporting with ardor. I told him that there was no reason to believe that there had been any such transposition, but that I would start an investigation, which I proceeded to do through a distinguished committee selected by me. The result of my action is reported in the *Tribune* of Saturday, November 8th:

Yesterday a self-appointed committee of Cleveland men, consisting of Aaron J. Vanderpoel, General F. C. Barlow, Albert Stickney, and Charles

P. Miller, insisted upon the opening of the election returns filed with the Bureau of Elections. Judge Barrett ordered the returns opened, under Sec. 1878 of the Election Law of 1882, ch. 410.

The envelopes were opened by the Republican Chief of Bureau, John J. O'Brien, in presence of the Republican Committee, John E. Brodsky, William H. Townley, and Colonel George Bliss. No one cognizant of New York personalities will suppose that any Republican points were overlooked by this committee. The disclosures were as stated in the *Tribune* of Sunday, November 9th:

Police returns were compared by Albert Stickney for Democrats and John E. Brodsky for Republicans, and showed Cleveland plurality 42,801 (the final figures were 43,064), or 425 less than last computation from police copies. President S. B. French and D. C. Wheeler (each a Republican Commissioner of Police) thought this difference might prove important, and went uptown to give information to Republican National Committee.

Thereupon the matter was referred to the official canvass to begin on Wednesday, November 12th. How little doubt was felt as to the sufficient supervision of the canvasses was indicated by the following editorial in the *Tribune* of November 10th:

The whole canvass must be conducted with the utmost openness and under the most rigid legal scrutiny, with resort to the proper courts whenever necessary. Then if the fair count gives Governor Cleveland a plurality of only a single vote, he will be inaugurated.

The actual conduct of the canvass under competent Republican counsel is shown by the following extracts from the *Tribune*, November 13th:

Actual canvass of the city vote began yesterday. Colonel George Bliss, Robert Sewell, Clarence A. Seward, and John E. Brodsky closely watched the return for the Republicans. Precautions have been taken to prevent any tampering with the returns or corrupting inspectors of election. Inspector Byrnes was present all day. He had a force of men in plain clothes. No suspicious actions were reported.

The particular point of transposition of Butler votes was brought up in the canvass on November 15th. And the following allusion, while remote and indirect, seems to be the only reference in the count proceedings to the alleged transposition. It was reported, in the *Tribune* of the 16th:

When the defective return of the Sixth Election District of the Seventh Assembly District was taken up, it was found that the inspectors instead of setting down the number of the *ballots* (395) cast for Presidential Electors had multiplied that (395) by 36, thus counting the *votes* for each

elector on the several tickets as *ballots*. By this method it was made to appear that there were

7,668	votes for	Blaine
6,300	" "	Cleveland
180	" "	Butler
72	" "	St. John
<hr/>		
36	14,220	(395

Thus, it may be reiterated, there was attributed to a district in which there were only 395 votes, the amazing and erroneous total of 14,220 votes!

This would have elected Blaine by a large majority. The following colloquy ensued:

John N. Lewis: That's what the Republicans have been claiming the election of Blaine on! (*Laughter.*)

Mr. Duffy (to Colonel Bliss): You get a little the best of us there.

Colonel Bliss: Yes, I insist upon it, that the Inspectors cannot alter the returns.

Thus the fiction was exploded with a loud guffaw from both sides; and it received no further consideration from either side during the progress of the canvass.

Upon November 16th the *Tribune* observed, editorially:

In this city an exaggerated idea of the number of defective ballots improperly rejected seems to have been adopted because of the occasional report of "thirty-six defective" when the inspectors really meant "one defective with thirty-six names on it." Elsewhere many still think Butler votes were counted for Cleveland, but, with the ballots destroyed, the canvass did not establish it.

Upon this record must disappear Mr. Stanwood's insinuations as to the New York City canvass of Butler votes as though for Cleveland.

(b) As to the Long Island City frauds imagined by Senator Hoar.

No evidence whatever is offered to support this particular charge, and there is no reason to suppose that the conditions in Long Island City are more open to suspicion than those in New York already indicated. But in any aspect the total vote was so small as to be negligible. Cleveland received 2,092; Blaine, 1,265; Butler, 99, and St. John, 27. Butler's vote here approximated five per cent. of Cleveland's vote, while in the State at large (excluding New York City) Butler's vote was less than four per cent. of Cleveland's vote. If we reject all of Cleveland's plurality of 727 over Blaine, Cleveland still would have been elected, though by a narrow

plurality. The canvass of the Long Island City vote was watched closely in behalf of the Republicans by the late Jesse Johnson, one of the most alert and capable of lawyers and most zealous of Republicans at the Brooklyn Bar, whose vigilant observation no wrong-doing could have escaped.

This sole specification of Senator Hoar, therefore, is of no consequence, and his suspicions generated by baseless and treacherous rumors are unworthy of his reputation for serious work, where partisan considerations were not controlling an otherwise interesting and able intellect.

3. The crowning absurdity is reached in Mr. Stanwood's conclusion that the conviction some years later of Boss McKane, for election frauds at Gravesend, affords ground for belief that previously similar frauds there in 1884 had carried the State for Cleveland.

Here, also, the vote was too small to affect the result. Cleveland received 667; Blaine, 295; and Butler, 1. Here again, if Cleveland's plurality (372) were disregarded, the final result would not be changed. The vote was canvassed under the vigilant attention of United States Attorney Tenney representing the Republicans.

The willingness of Boss McKane to commit any election fraud for Democrats may be recognized as fully as the fact of universal frauds by all parties in Adams County, Ohio, or as charged by Colonel Roosevelt upon the regular Republican organization in 1912, but we have high Republican authority for declaring that all such remote frauds are *aliunde*.

The whole case may be summed up by considering that in the very nature of things the wonder is that New York gave Cleveland a plurality so small rather than a large majority. New York naturally was a Democratic State. From 1867 to 1892, inclusive, a period of twenty-five years, the State went Republican only six times. In 1882 it had gone for Cleveland by 192,000, and in 1883 generally by about 16,000 Democratic. Therefore, it was strange that in New York City Cleveland's plurality of 43,064 in 1884 exceeded by less than 2,000 that of Hancock in 1880. The surprise was the size of the vote given not for Cleveland, but for Blaine. As was observed editorially in the *Tribune* of November 14th, "Right in this city, the very center of the Independent strength, Mr. Blaine received a vote several thousand larger than was ever before given to any Republican." This ex-

ceptional tribute to Mr. Blaine in New York City and New York State should have attracted the appreciation of Senator Hoar and Mr. Stanwood, and they should have been too manly to base their regrets that their candidate failed of election upon the suggestion not that votes intended for him were diverted, but that Butler votes against Blaine might not have been counted for Butler, there being concededly no evidence to support this suggestion. The New York result in 1884 was legally and accurately ascertained under the most careful scrutiny, and the method and result of the ascertainment reflected credit upon the State. The proper attitude with respect thereto was that of Mr. Blaine's constant supporter, the *Tribune*, and is not that of Mr. Stanwood or Senator Hoar.

In closing it may be interesting to observe how little of the actual conduct and condition of the election or of the canvass was known to the candidates themselves.

Upon November 13th I received from Colonel Lamont the following message:

DEAR STETSON,—We don't get any news from New York, and you can well imagine that we are all very anxious for news. Would it be possible for you to give us a telegram as each Assembly District is completed? We get all sorts of rumors through the day, and have to wait for actual news until we see the New York papers the next morning. If you can telegraph me anything in a general way of your impression as soon as you receive this it would be greatly appreciated. No one telegraphs us, and it has seemed to me that since you are on the ground no one can give us the news so quickly.

Sincerely yours,

DANIEL S. LAMONT.

ALBANY, Nov. 13, 1884.

Upon November 16th, the Augusta correspondent of the *Boston Journal* disclosed a similar isolation on the part of Mr. Blaine:

I asked Mr. Blaine what he thought of the result of the count in New York, and he replied that he had no more means of knowing than an unborn child.

The conclusion of the whole matter is that New York's vote was not stolen in 1884; that none of the principals had reason to suppose that it was stolen; that at the time no responsible person or paper adhered to the charge that it was stolen; and that these facts are attested by evidence still in existence and readily accessible.

FRANCIS LYNDE STETSON.

BEAUTY AND STILLNESS

(In the ruined Greek Theater, Taormina, Sicily)

BY CALE YOUNG RICE

How still it is! Between me and the sea,
Between me and far Etna's snowy slope,
The midges in the sunlight idly move,
As if they had of life but drowsy hope.
No cock crows, not a bird or wind is singing
About this eaglet town whose eyrie hangs
Upon a high cliff; not a bell is ringing
From church or convent tower
The sleepy hour;
And not a voice of afternoon comes bringing
Amid these ruins joy, or griefs that lower.

Thro' the rent walls and arches where I lie
With silent broken columns basking round,
Is framed as radiant a scene as eye
May hope to dwell on; yet my heart unbound
Is not enthralled—but to the voiceless vision
Of villa, castle, sky, and sea, is cold.
And tho' their beauties blend, with calm Elysian,
Since the bright sunlight's fall
Is over all,
My thoughts blend not, but sway with indecision,
That seems all aspiration to appal.

And what is it that so can trouble us
'Mid scenes so fair and peaceful! Is it, here,
Time's still destruction striking to the soul
The certainty that death is ever near?
Once there were plaudits where this silence passes,
Once there was glory where these ruins reign,

Once Greece and Rome sat thrall'd where now the grasses
Alone are audience
Of the intense
Lone tragedy that year on year amasses:
O is the past's dark prescience so immense?

Or is it that too-beautiful sometimes
Will make us sad as too-imperfect can?
That the Ideal in full bodiment
But leaves more bleak the wonted life of man?
To Etna, poet of the azure heaven,
King of myth-makers, does this scene belong;
But unto us of lowly mortal leaven,
To us who scarce can hope
For greater scope
On earth than is comprised in seven times seven,
Must not a grandeur less immortal ope?

Ay, and more intimately kin to us!
So from snow-summit and the sapphire sea,
From plain and promontory do I turn,
And distances that dream majestically,
To yon bare ledge of rock, where cactus-pendants
In homely and grotesque confusion cling,
As to our niches we, who know transcendence
Of this our little life
With want so rife,
But makes us oft dissatisfied attendants
Upon dull Toil—that soon becomes loathed Strife.
CALE YOUNG RICE.

DEATH AND LA MORT

BY RICHARD FISGUILL

So closely associated with our conceptions of right and wrong that they become moral corollaries, are our ideas of the proper and the improper. It is not easy to distinguish between the right and the proper, between the wrong and the improper. Students of civilization are apt to be reduced to the position that there is one right thing only and one wrong thing only—life and death—and that all else is merely proper or improper.

Humanity's conception of the proper and improper may become vivid to a degree. Men have not hesitated to penalize with death—the one great wrong—what at some particular time or locality they esteemed as being an improper relation. Human beings have been removed from the world for not removing their hats in the presence of one of their fellows. Yet no state has ever been able to draft sufficient laws to cover all the diversified infringement of proper relations. After the state has tired itself out with the enactment of law aimed at the differentiation of the proper and the improper, there still remains a myriad of thou-shalt-not's, unwritten, to be true, but equally as binding as written law, and to which each community of the state, every family even, may add at will.

Now if the written laws of nations be disparate and the conflict of written law be interminable, what can be said of the *unwritten* code which changes, not with climate and epochs only, with people's and nations, with communities and families, but even with individuals themselves according to their age and sex?

With this vast domain literary expression has to deal. The law is but a continuation of the statute. Here are to be found the sources of all human expression: the difference between right and wrong being the difference between a man

and a beast. Literature is the expression of unwritten law, as in every other pictorial form of thought—a stone hand carved in fear of the evil eye, an oil conception of beauty dedicated to love, a rhapsody contrived for delight.

Hopes and fears, likes and dislikes, loves and hatreds, ease and pain: human expression cannot get past an inevitable duality—the life side of the medal, with its converse of death. In getting that far man raised himself above the beast. Animals do not know that one day they must die.

The predominance of life, or the predominance of death, forms a natural basis of classification which sweeps through expression. Life is hopes and likes and loves and ease. Death is fears and dislikes and hatreds and pain. With the predominance of life in expression—that is, with a predominance of hopes, likes, loves, ease—you have what might be called *idealism*. With the predominance of death in expression—that is, with a predominance of fears, dislikes, hatreds, pain—you have what must be called *realism*, death being the only sure and real thing.

In *absolute idealism* the proper would overcome all obstacles and invariably obtain. Nor would there be generated in the juryman's mind any sympathy for the improper, which would be set up only to be bowled over at an opportune time, and which in so far as the juryman's mind was concerned would not suffer pain any more than inanimate matter. In absolute idealism you would eradicate the improper in some such way as you weed your lettuce. Who should pine at a weed, pulled up and withering in the sun of righteousness!

In absolute *realism*, on the other hand, death would constantly prevail. The proper would be set up only to be bowled over in the nick of time, and this proper, or good, would appear so stupid that you would feel like prodding it into evil-doing. Meanwhile the suffering of the damned would be so sympathetically set forth, so heroically portrayed, that into your adjudging mind would creep the thought that after all it were perhaps nobler to be a weed, blighted by destiny, than a succulent, stupid, righteous lettuce.

Absolute idealism and absolute realism do not exist. Expression, however, may be graded according to the percentage of idealism or realism contained. The determination of this percentage amounts to a problem.

But why should death ever be sympathetically treated—death, the great impropriety from which all other improprieties spring?

The answer is easy to find. Death constitutes a danger line for human beings. In realistic expression you play with fire and experience that peculiarly human thrill attendant upon all dangerous exercise—peculiarly human, for the beasts do not know that one day they must die.

Reason cannot be called upon to explain why the children of men should be fond of playing with fire: they are, is all we know. We like to escape; and in order successfully to escape, we must have something to escape from. We must have the fire. What fire, and how much, depends upon race and surroundings, in surroundings there being comprised both time and locality.

Fielding's dose of fire cannot be prescribed to-day for English consciousness. In the world's consciousness no nation perhaps has dared to trace so desperate a danger line as that which Burton makes plain from the Arabic. Interlacing kinds, it might be claimed that probably no picaresque expression portrays a rogue so peculiarly attractive as Mr. Hornung's infamous, sweet Raffles.

With his men on one side of the house and his women on the other—the basic condition of strictly English society—Fielding's most convenient fire was strong drink. In all things really English the standard danger line, the form of death you may most jubilantly frolic with, has until quite recently been strong drink. English consciousness has frequently worshiped a noble, magnanimous, self-sacrificing dog of a drunkard.

In Arabia, with its traditional abhorrence of strong drink, the drunkards of Fielding and Dickens, instead of arousing a thrill, would have excited nausea. And in those consciousnesses where chivalry developed an entire philosophy of chastity out of the conception of a woman-born God, the love-scented voluptuousness of Arabia had to smell like a rotten rose. Love scents, however, and camel-lipped metaphors were fire for Arabia. And the soda-fountain prevailing, but women always on the other side of the house, Mr. Hornung to arouse a thrill induces us to wonder, as we deposit our checks at the bank, if it might not be a jolly good sport, after all, to creep back at night and blow up the vault.

Drunkenness, sensuality, theft: three forms of fire, three

phases of impropriety, three degrees of death. These are phenomena of consciousness caught up at random on the surface of human expression, after they have been evolved by the currents and cross-currents of language.

Language is thought ready for shipment. Language is either words, or notes, or lines, or color. Language is the only tangible form of the human soul. Beasts cannot tell their young about death.

The language of a people is that people's soul: it is that which is left of the dead. Language is the only tangible form of the immortal past, into the molds of which, however acting or interacting, an inevitable future must be poured. With language men escape. Animals have died.

Perhaps no two of the European peoples have more signally escaped than Englishmen and Frenchmen. Yet no two of the European peoples have evolved such different methods of escape. The English soul and the French soul are barely comparable. The difference seems to be the difference between death and *la mort*.

French exhibits from the start a certain transparency which is not found in the English language. This transparency is characteristic of French, as much so as the sound of the French *u*.

Through French you see thoughts as pebbles in clear water.

From this transparency there results in French a condition which is not easy to interpret for English consciousness: it may be called *unsuggestiveness*. The pebble you perceive in French is too clearly outlined to suggest a frog.

The French language does not suggest; it pictures, or remains a blank. What it cannot picture, it does not express; what it cannot say, it does not imply. And from this there inevitably results another condition which is yet further removed from English consciousness; and that is, the *sayableness* of French thought. French consciousness deals with sayable things—things sayable in French, but which in a consciousness like that of English may stir up such a whirlwind of suggestion as to render the thought not only unsayable but unthinkable as well. In English consciousness a judicious selection of thought must be made before proceeding to expression.

Comparing Scott and Balzac, we may consider a moment the question of thought selection, which after language itself is possibly the most important phase of consciousness.

In the light of thought selection the relation between Scott and Balzac becomes close indeed. Balzac tells us that Scott was his model. Scott's works suggested the *Comédie humaine*. What student of expression would ever have guessed that such was the case!

From beginning to end Scott's work is uniform; it is in one plane. Scott's thoughts have been judiciously selected; his mental way has been carefully surveyed: the view is inspiring. Balzac generously credits Scott with having thought more thoughts than Scott expressed. In the Frenchman's opinion Scott lacked a medium of expression; and he, Balzac, jubilantly sets forth to express all those things which Scott had thought, but which for lack of a medium Scott had been unable to record.

Balzac's generous thesis cannot be sustained. Psychology establishes an intimate dependence of ideas upon words, of thoughts upon language. A careful psychologist would be apt to alter Balzac's thesis, and say that Scott instead of lacking a medium of expression for further thoughts lacked rather the thoughts themselves, owing to the absence of a medium of expression.

Scott thought along the easy way prescribed by English consciousness and surveyed by English consciousness. Certainly Scott obeyed the laws of his consciousness, ever at work, and suppressed much. But the suppressions attributed to him by Balzac were in a very large measure suppressions of which Scott was no longer conscious—that is, intuitive suppressions, the battles about which Scott's forefathers possibly may have fought out, but which Scott himself surely had forgotten. With all his fantasy Scott never visited the heights and depths of Balzac's unsurveyed domain.

Balzac was not obliged to look for an easy way. Any and every thing was grist for his mill: no compunction, no suggestion, no awe. Balzac is possible in a consciousness which endures the French Revolution. Balzac's blood is a fluid circulating in veins and arteries, a red fluid, nothing more. In English blood suggests gore: the pebble may be a frog.

Scott possibly would have experienced the same difficulty in shaping *La Cousine Bette* as English commoners might have experienced in directing the French Revolution, or as Ruskin did experience in rating *Mona Lisa*—the difficulty, namely, arising from English awe.

Balzac saw more forms of life than Scott; he saw, too, more forms of impropriety—of death. Instead of disposing of death forms, as did Shakespeare, with a rumble of righteous thunder, Balzac lays death forms nakedly down and holds an autopsy. Balzac is quite as proud of having discovered an ulcer in the vitals of virtue as he is of having found a virtue in the entrails of vice. Both weeds and lettuce are plants for Balzac: life and death are equally legitimate. Continually he finds death in life and life in death. He accepts death as an imposed condition. Balzac does not stand in awe.

The word *awe* has been chosen to express the antithesis of unsuggestiveness. The same difficulty would be experienced in carrying over into French consciousness the meaning of English awe as is encountered in bringing over into English consciousness the condition of unsuggestiveness.

Much, if not the greater part, of Shakespeare is awe. Translated into naked French and thus deprived of awe, Shakespeare loses and bears off toward the unenviable position of an author of blood and thunder episodes, such as Paul Bourget uses to undermine the character of his *Disciple*. From the point of view of French consciousness little difficulty is experienced in appreciating Bourget's attitude toward Shakespeare, and none whatever that of Voltaire, who has been held accountable for the French depreciation of the foremost English author. Voltaire could not have been himself and endured Shakespeare.

Shakespeare and Voltaire may be compared. It is not harder to compare Shakespeare and Voltaire than it is to compare English consciousness and French consciousness, though it is quite as hard.

Awful Shakespeare, gloomy even in his mirth, means for English expression what naked Voltaire, gay even in his gloom, means for French expression. One may signify a yard, the other a bushel; but they represent the standards of measurement for their respective national expressions.

Shakespeare edges away from life off toward death. Voltaire edges away from death off toward life. Shakespeare, accepting life as a questionable blessing, is fascinated by the awfulness of death, which even in his happiest moments he cannot help dreading. Voltaire, accepting death as an unquestioned curse, is fascinated by the beauties of life, which he covets down to the end.

These statements are not to be taken in the popularly religious sense. Shakespeare was not a churchman; Voltaire was not an atheist. Hid somewhere in consciousness there is an influence which is more powerfully determining than religion. This influence, in determining our attitude toward death, inevitably ends by determining our religion. A national religion is but one phase of the national consciousness, and is as dependent upon that consciousness as a rule of syntax.

Shakespeare's attitude toward life and death is the attitude of English consciousness, whatever be the name of the religion involved.

Voltaire's attitude toward life and death is the attitude of French consciousness—the same attitude which in one form or another has made itself felt in French religious matters from the times of Avignon down to the present day. French consciousness may be Catholic, Protestant, or atheist; but it is ever Voltairian.

French consciousness and death are old acquaintances. French consciousness starts out with death recognized, and humanly attempts to make the best of a bad condition. French consciousness is Jewish rather than Christian, the Old Testament rather than the New. And Voltaire's influence upon his national expression has been so preponderant that Voltaire's influence upon France can be compared only to that of Jesus upon the world.

Up to Voltaire's appearance French consciousness seems slowly to have been forming a Voltaire. Since his appearance willingly or unwillingly French consciousness has always harked back to him, and especially in this sense: that human force consists not so much of a specific attribute as of a general sum of attributes.

Voltaire represents the antithesis of individualism. In any one of his individualistic phases he is inferior; but the sum of his individualistic phases is equal to a group of men. Voltaire is the chairman of his faculties, not the dictator. No one of his faculties reigns supreme after subjugating the others.

Voltaire is a republic in himself—a thing which both Buonaparte and Hugo tried hard to be, but which military specific on the one hand and lyric specific on the other kept them from attaining. Republicanism is realism. A republic is the political form of realism—a condition of equal

rights, whatever the leveling results may be. A specific naturally cannot endure such a state. From his very nature a specific must be as hostile to realism as realism is hostile to a specific. A specific can but be monarchical in his trend. Louis XIV., Buonaparte, Hugo—possibly the three most marked French specifics—are quite as un-French, though in a different sense, as Hardy and Shaw are un-English.

The low notes of thunder, so dear to the souls of specifics, are distasteful to French consciousness. Shakespeare made Voltaire grin: Shakespeare rumbled, Shakespeare ranted, Shakespeare was vague.

Voltaire preached simplicity: nothing could be sublime that was not simple; nothing existed that was not clear; nothing might be charming that was not naïf. Toward the end of his life Voltaire decided that the Old Testament was the book best worth reading, because the Old Testament was the most naïf of books.

Voltaire's continual harping on naïveté is the final expression of what French consciousness had from the beginning tried to say, and which French consciousness is ever trying to attain.

Naïveté in consciousness is the direct product of unsuggestiveness, just as unsuggestiveness is the direct product of linguistic transparency. From linguistic transparency, which prevents all doubt as to what the pebble really is, we arrive at the unsuggestive conception of a pebble, and thereafter face the consequences of naïveté, by asserting that 'tis a pebble, not a frog.

As judged by French consciousness, Lafontaine's naïveté raises him to the rank of a poetic genius. In the light of English consciousness Lafontaine falls to the level of a mere rhymers. Rousseau's naïveté is what Jules Lemaître, imbued with monarchical views of government, calls insanity. And naïveté is a highly dangerous form of intelligence for one-man power. Naïveté grins at pomp. Naïveté is Rousseau's little white house with green blinds, his orchard and cows, his lunch on the grass where each guest should wait on himself or go hungry. Naïveté is insouciance. Naïveté is naked unsuggestiveness, such as all men enjoyed before they knew of sin—terrestrial paradise, in fine, not the heavenly abode. And Adam's terrestrial paradise was a republic of equal unities, the abode of realism.

Naïveté is a pagan virtue which was carried over into

Christianity: "Suffer little children to come unto me." And pagan naïveté is that principle of Christianity which has taken the strongest hold upon French consciousness.

Anatole France might well have been an Athenian. And Anatole France, like Voltaire, is a man whom French consciousness only could have produced in modern times. From *Silvestre Bonnard* to *Les dieux ont soif* Anatole France, like Voltaire, is forever forging a disconcerting naïveté. Paul Verlaine is a member of the same family. Naked, shivering, aware of nothing more mysterious than a seagull's quivering wing, Paul Verlaine wallows there on the edge of death, his *grand sommeil noir*, and grips your hand, your heart, as only a pagan could. What are Tennyson's afternoon idle tears compared to the choked blubberings of poor old bald-headed, bald-brained, bald-hearted Paul Verlaine? Well-nigh absolute idealism, compared to well-nigh absolute realism; winnowed sentimentality, as opposed to raw naïveté.

The naïveté of French consciousness is paganly raw.

Cervantes frequently has been called naïf. But the naïveté of Cervantes is that of a reasoning old man and a mystic, not the naïveté of youth's rank fears and death-haunted paganism. Paganism fits humanity's youth. In transforming objective incongruity into harmony for his own subjectiveness, Don Quixote trod Santa Teresa's road, the way of mysticism, where thorn wreaths turn to garlands, and the peasant-girl Aldonza to high-born Dulcinea. Tartarin de Tarascon is humanly, youthfully, paganly naïf. Don Quixote is a Christian scholar, tediously returning to simple things after much reading and deep meditation.

This spirit of renouncement, of going back to primitive things after having experienced the hollowness of showiness—of going back to primitive things and decking these same primitive things out in all the showiness of those things you have found to be hollow, mysticism in a word, an Oriental accident of Christianity—can be called Spain's quota to Occidental consciousness, and is perhaps the bond of union which unites such disparate elements as Lope de Vega, Calderón, Espronceda, Pereda, Galdós.

But the French spirit has never renounced, for the very excellent reason of its never having quit youthful naïveté for more pretentious fields. Even the influence of Provence, which might well have made of France another Italy, went

down before the Voltairian grin. In French expression Voltaire's grin crops out all the way from *Aucassin et Nicolète* to *La tentation de Saint Antoine*. This is not Dante's naïveté.

Dante never grinned: he was young enough, child enough, but he could not. Dante was a learned child who took his playthings to heaven—and with him he seems to have carried also his nation's consciousness. D'Annunzio tries to spiritualize his profane toys after the manner of Dante and Petrarch; Leopardi spiritualizes pessimism, De Amicis an urchin. All this appears more innocent and youthful than the tired Spanish consciousness, which instead of taking its playthings to heaven brings heaven down to its playthings. And both the Spanish and the Italian attitude seem more youthful and innocent than that of English consciousness, which in the person of Milton goes off to heaven by itself, clad in a good English soul only and shrouded with Shakespearean awe. But all three of these conditions come to be sophisticated when compared to that of French consciousness, which from Christianity assimilates not mysticism, nor spirituality, nor awe, but the incorporated pagan virtue of death-recognized naïveté.

The consciousness of a people takes from religion, from Christianity, or from any other form of philosophy, that which best it can assimilate. The religion of a people is the attitude of that people toward death.

The dead in French consciousness are very dead. "*Les morts sont bien morts.*" Marcelle Tynaire makes this the motif of her strongest work. But throughout French expression from *La vie de Saint Alexis* to Maupassant's *Bel Ami* the dead are hopelessly and irretrievably dead. What better things in spite of all his pretty words did Châteaubriand see in death than Verlaine's *grand sommeil noir*! Hugo's dead live only when he stirs up the ashes of a hearth or of a heart. Alfred de Vigny asks us to die without prayer and without complaint. Lamartine, like Zola, is tired even of hope. And when Zola's tremendous but misunderstood heart drops dying children into the great black sleep of death they are unspeakably gone.

The French recognition of death and the hopelessness attendant thereupon shapes the French distinction between head and heart—a distinction so foreign to English consciousness as at times to necessitate the translation of *head*

in French by *heart* in English, and vice versa. Balzac warns us that in things not arithmetical we must look to our hearts, not to our heads, for satisfaction. This is Voltaire's old message differently expressed—the Garden of Eden, not heaven. The head carves out immortality; the heart clings to earth. Heads have reasoned about immortality; hearts still bleed for the rotting dead. Here it is that French naïveté takes a turn which is logical enough for French consciousness, but bewildering indeed if not examined with French lenses: the fleshiness of the French heart is meant.

In French consciousness the heart is flesh, the head and soul a conception. The sister-soul form of love and the brother-soul form of friendship do not in French consciousness belong to the domain of the heart, as in English, but to the domain of the head—the head, which first creates for its own self a soul and thereafter injects another soul into the other head-loved head. Heads loving heads and souls loving souls are synonomous expressions. Neither heads nor souls form a part of the body, the body being the abode of the heart. The heart is flesh, the head and soul a conception. This attitude is impossible in English consciousness, where just as blood suggests gore, flesh suggests Satan. And flesh is a synonym of Satan. Flesh is the antithesis of the soul; flesh is the antithesis of immortality; flesh is the synonym of death. But death is synonymous with Satan—the prince of darkness, the great adversary which the pagans accepted from the start as being one against whom they might not prevail. Flesh rots; rots too the heart which reigns over flesh; and from this rotting realm French consciousness has wrested Eden by means of naïveté, nativity, naturalness, nature.

The possibilities of naïveté are as inexhaustible as the possibilities of nature. Naïveté is nature projected into human consciousness. And nature is the rock and beast realm which science has wrested from religion.

Science is as pagan as naïveté. Science is pagan naïveté ticketed and classified, and ultimately ending, as do all pagan conceptions, in unavoidable death. The sun must die, the earth must die, life must become extinct; and science stops with man. Science is absolute realism applied to learned expression. In science a flower is the organ of a plant. There is no idealism: the heart is flesh. Science does not attempt to restore heaven, but to develop the earth.

Science's dream is Eden. Science is sure of but one single thing, and that is individualistic death.

Naïveté, then, turns out to be the literary exponent of science, the only refuge Voltaire could see for his people on the horizon of time, governed as they had to be by a transparent consciousness in which a pebble lay too clearly outlined to suggest a frog.

The terms of literary criticism are indiscriminately absorbed by expression. Literary criticism is unavailable for expression. Expression oscillates between life and death—from realism to idealism, and back again. Literature is the by-product, and the by-product merely, of an attempt at expression. Literary criticism is the by-product of a by-product. Literary criticism is removed, it is a distraction, it is optional. Expression is tied up with the life principle of consciousness. There may and frequently does exist a realistic expression of idealism, just as there may and frequently does exist an idealistic expression of realism.

Much of what Shakespeare portrays is realism, but Shakespeare's expression is idealistic. Shakespeare's expression is not artless, native, natural, naïf. Shakespeare's expression sweeps past men and leaves the world of men, as does Byron's, Milton's, Kipling's. Kipling's realism is quite as idealistically expressed as that of Shakespeare. And if we pause to note the preponderance in the popular mind of Kipling over Stevenson, we may easily discern that English consciousness yet insists as it always has done upon an idealistic, unnatural expression, whatever be the subject portrayed. English consciousness prefers Kipling's idealistic expression of the real to Stevenson's realistic expression of the ideal.

Stevenson's position in English consciousness inversely corresponds to that of Rostand's in French consciousness, and both positions are unfortunate. Stevenson attempts the realistic expression of idealism for English consciousness, Rostand attempts the idealistic expression of reality for French consciousness; and both men have to leave their native countries for full appreciation.

French consciousness yet insists, as it always has done, upon realistic, natural, naïf expression, whatever be the subject portrayed. And to-day French consciousness prefers Alfred de Musset's realistic expression of idealism to Rostand's idealistic expression of reality.

If Stevenson and Rostand might have swapped countries their respective literatures perhaps would have been richer. Nor can students of expression doubt for a moment that Thackeray would have been greater as a Frenchman than as an Englishman. Oscar Wilde had to think in French. And Oscar Wilde is pagan Verlaine's pagan brother: they both wallowed on the edge of the *grand sommeil noir*, and they squirmed as the tide came up.

It has been advanced that the consciousness of a people is attracted to realism by the inherent tendency of human beings to play with fire—realism being synonymous with death, or some lesser form of impropriety. Further, it has been hinted that certain peoples in their consciousness exhibit tendencies to frolic with certain forms of impropriety. Drunkenness and theft were boldly ascribed to English consciousness as being the English preference, provided—eternally provided—that these forms of impropriety be set down in idealistic expression. Raffles has to be a gentleman and an excellent judge of tobacco.

Also an attempt has been made to show that French consciousness manifests not only the inherent tendency to dance with danger such as is common to human expression, but that French consciousness has a special tendency peculiar to itself, based upon the unsuggestive transparency of its linguistic medium and the resulting attitude toward death. Whatever be the French subject portrayed, French expression must be realistic or cease strictly to be French expression.

There remains one question to ask. What form of death, or impropriety, or reality, has French consciousness preferred—this Gallic consciousness, which expresses even idealism realistically?

The answer permits of no hesitation. French consciousness has, does, and evidently always will prefer the improprieties of the heart to other forms of death—the improprieties of the human, fleshy, rotting heart; the heart of a man with its fangs sunk into the heart of a woman, the heart of a woman with its fangs sunk into the heart of a man.

Steal, if you must; but steal a heart. Drink, if you would be drunk; but drink of love. All that is the Gallic heart-fang form of death. And *la mort* is graciously feminine.

RICHARD FISGUILL.

MADAME D'ARBLAY

BY GAMALIEL BRADFORD

FRANCES BURNEY (Madame D'Arblay) wrote a diary or diary-like letters almost from the cradle to the grave. For reasons which will appear later we do not know so much about her intimate self as might be expected from such minuteness of record; but her external life, the places she dwelt in, the people she saw, the things she did, are brought before us with a full detail which is rare in the biography of women and even of men.

She was as little of a Bohemian in soul as any one who ever lived. Yet her career had something of the nomadic, kaleidoscopic character which we are apt to call Bohemian. She met all sorts of people and portrayed all sorts, from the top of society to the bottom. And through this infinite diversity of spiritual contact she carried an eager eye, an untiring pen, and a singularly amiable disposition.

Her father, Dr. Charles Burney, the musician and historian of music, had an excellent stock of what is nowadays called temperament. He was witty, gay, and charming. Everybody went to his house and he to everybody's. Thus Fanny in her youth (she was born in 1752) had the opportunity of seeing many of the distinguished men and women of eighteenth-century London: Johnson and Goldsmith, Sir Joshua Reynolds, Händel, Garrick, and Sheridan, Bruce the traveler, actors, singers, beaux, divines, ladies with blue stockings, and with stockings of other colors. It was a gay and variegated world for a quick-eyed girl to make merry in. She made merry in it, she studied it, and, as a certain literary gift was born in her, she profited.

Then, when she was twenty-five, she wrote and published anonymously an epistolary novel called *Evelina*. Even to-day, though its charm is of a peculiarly perishable order, the book may be read with pleasure and some laughter. But its freshness, its ease, and its rollicking spirits must have com-

mended it highly to an age whose own speech and manners were reflected in it. Fanny had first the delicious pleasure of hearing genuine praise from those who had no idea of her authorship. And when the authorship was confessed—as who, under such circumstances, would have concealed it?—the praise became universal, more high-pitched still, and perhaps no less delicious. The book was read everywhere, commended everywhere. Fanny's father, whom she adored, was bewitched with it. No less so was that odd personage, Samuel Crisp, almost equally adored, who, like some others, having made a notable failure in literature himself, felt especially qualified to advise those who had succeeded.

In the houses where Fanny had before been a minor personage, a petted child, watching great doings and bewigged celebrities with wide-eyed curiosity from quiet corners, she now appeared as a celebrity herself, not bewigged, but with the wigs bowing down to her. Titles of honor begged for an introduction, and titles of learning. She was pointed out in the streets and in the theaters. Her characters were cited, her wit quoted, her sentiments applied by daily personages to daily life. London was all the English world then, and a book read by ten thousand people in London had a sort of personal success which no book could have anywhere to-day.

Best of all, Fanny was praised by those whose praise she knew to be really worth having. Sir Joshua said he would give fifty pounds to know the author of *Evelina*. Burke sat up all night to finish it. Sheridan and Murphy entreated her to write a comedy and Garrick agreed to take it before a word was put on paper. To a girl of twenty-five, up to that day merely one of the babes and sucklings, all this must have seemed like a golden dream.

But the best was Johnson. Fanny was brought into intimate contact with him in Mrs. Thrale's hospitable house at Streatham. Something of the Doctor's enthusiasm must doubtless be laid to the influence of grace, beauty, and feminine charm on that ogreish and susceptible heart. But, whatever the cause, he set no bounds to an outcry of admiration sufficient to turn the head of an older and sedater woman. Nothing like *Evelina*, he said, had appeared for years. And the literary praise was mingled with expressions of personal affection. "Afterwards, grasping my hand with the most affectionate warmth, he said: 'I wish you success! I wish you well! my dear little Burney!'"

In such a highly flavored atmosphere did the girl live until the publication of her second novel, *Cecilia*, in 1782.

Then there came an extraordinary change. Mrs. Thrale married the Italian musician, Piozzi, and the Streatham circle was broken up. Miss Burney's greatest supporter, Johnson, died in 1784, and in the following year Fanny was transplanted, elevated or degraded, as you please, from the free, fascinating life of a popular author to be a personal attendant on the queen. Dr. Burney thought his daughter's future assured in the most promising fashion. She herself entered upon her new career with anxiety and regret and found nothing in it to contradict her unpleasant expectations. The queen and princesses were, indeed, kind to her; but their hangers-on were not, or not all of them. She had been born free, had grown up in freedom, had been accustomed to indulge her fancies, to have them indulged by others, limiting them only by love and the affectionate wish to comply with the fancies of those dear to her. Now she was cramped in every movement; what was far worse, in every thought. To do servant's work for a servant's stipend was hateful. To run at bell-call for an idle bidding was more hateful. But these were nothing compared to having no home, no time, no life, of one's own. To move by the clock, some one else's clock, to be thrown into any quarters that could be spared from the needs of those higher, to dress and undress at stated times in stated fashions, to listen to the dullness of the great and the impudence of the little, to be never, never Dr. Burney's daughter, but always the handmaid of the queen—what a change from the caresses of Johnson and the compliments of Burke! Even pastimes not unwelcome in themselves become so in such surroundings. What a wail does she utter over the daily infliction of piquet with the tyrannous Mrs. Schwellenberg: "O piquet—life hardly hangs on earth during its compulsion, in these months succeeding months, and years creeping, crawling after years."

And then another change, quite as violent as the preceding. Miss Burney's health fails under the strain, she leaves the court, is thrown among a group of French *émigrés*, meets General D'Arblay, marries him, and settles down in a quiet country cottage, with a bit of an income and a garden full of cabbages. No Burkes nor Johnsons here, no kings or queens or saucy gentlemen in waiting; just quiet. One would think she would miss it all, even what was hateful. Charles Lamb

sighed to be rid of his India House slavery, and when he was rid of it, could not tell what to do with his freedom. So it is apt to be with all of us. But Madame D'Arblay apparently knew when she was well off. She adored her husband. She was absorbed in her son. She wrote another novel, *Camilla*, less readable than the others, but well paid for. She entertained with perfect simplicity any friend who could come to her. She had but one dread—lest some call of military or political duty in France might draw away her husband and break up her Paradise. “Ah, if peace would come without, what could equal my peace within!”

The call of duty did come. Her husband went and she followed him, into other scenes, still totally different from what had gone before. She saw the France of the first Napoleon and Napoleon himself. She saw the restoration of the Bourbons. She was hurried along in the mad bustle of the flight from Paris. She waited in Brussels through the suspense of Waterloo. With husband and son, and alone, she had adventures and perils by land and sea. Surely she had need of a good stock of peace within, for peace without seemed very far away.

But the last act passed quietly at home in England. She was not fêted or flattered any more, as she had been. Yet enough of old glory clung about her to bring her a large price for one more very indifferent novel, *The Wanderer*. Her husband died, her son died. Not much was left to her but memories, and these, when she was nearly eighty, she wove into a life of her father, which Macaulay condemned, but which has at least the merit of being sweet and sunshiny. To recall such a golden past, such a tangled web of fortune, at eighty, without a word of bitterness for the present, shows a heart worth loving, worth studying. Let us study Madame D'Arblay's.

She will not help us so much as we could wish. “Poor Fanny's face tells what she thinks, whether she will or no,” said Dr. Burney. Her face might. Her diary does not. To be sure, she herself asserts repeatedly that she writes nothing but the truth. “How truly does this Journal contain my real, undisguised thoughts; . . . its truth and simplicity are its sole recommendation.” No doubt she believed so. No doubt she aimed to be absolutely veracious. No doubt she avoids false statements and perversion of fact. Her diary may be true, but it is not genuine. It is literary, artificial,

in every line of it. She sees herself exactly as a man—or woman—sees himself in a mirror: the very nature of the observation involves unconscious and instinctive posing.

Macaulay, in his rhetorical fashion, draws a violent distinction between Madame D'Arblay's memoirs of her father and her diary. The diary, he says, is fresh and natural, the memoirs tricked up with all the artifice of a perfumer's shop. Neither is fresh and natural. The memoirs are overloaded with Johnsonian ornament; but the simpler style of the diary is not one bit more spontaneous or more genuine. It was impossible for the woman to look at herself in any but a literary point of view.

Take, for instance, the address to *Nobody*, with which the diary opens. It sets the note at once. There is not the slightest suggestion of a sincere, direct effort to record the experiences of a soul; merely an airy, literary coquetting with somebody, everybody, under the Nobody mask.

A single breath of fresh air is enough to blast the artificiality of the whole thing. Turn from a page of the diary to any letter of Mrs. Piozzi—some of them are given in the diary itself. A coarse woman, a passionate woman, a jealous woman—but, oh, so genuine in every word. Her loud veracity sweeps through Fanny's dainty nothings like a salt-sea breeze. And do not misunderstand the distinction. Fanny could not have told a lie to save her life. Mrs. Piozzi probably tossed them about like cherries or bonbons. But Mrs. Piozzi, laughing or lying, was always herself, without thinking about herself. Fanny was always thinking—unconsciously, if one may say so—of how she would appear to somebody else.

Thus I cannot agree with Mr. Dobson that her diary is to be classed with the great diaries. A page of Pepys is enough to put her out of the count. She may be more decorous, more varied, even more entertaining. As a portrayer of her own soul or of the souls of others, between her and Pepys there is no comparison.

So, I repeat, our diarist helps us less than she ought. Yet even she cannot write two thousand pages, nominally about herself, without telling something. The very fact of such literary self-consciousness is of deep human interest. It is to be noted, also, that she does not conceal herself from any instinct of reserve. She is willing to drop pose and tell all, if she could; but she cannot. Such thoughtless self-con-

fession as Pepys's would have been impossible to her. I do not think that once, in all her volumes, does she show herself in an unfavorable light.

But we can detect what she does not show. We can read much, much that she did not mean us to read. And lights are thrown on her by others as well as by herself.

To begin with, how did she bear glory? For a girl of twenty-five to be thrown into such a blaze of it was something of an ordeal. She herself disclaims any excessive ambition. She could almost wish the triumph might "happen to some other person who had more ambition, whose hopes were sanguine, who could less have borne to be buried in the oblivion which I even sought." She records all the fine things that are said of her, the surmises of eager curiosity, the ardent outbursts of family affection, the really tumultuous enthusiasm of ripened critical judgment. But she is rather awed than inflated by it; at least, so she says. "I believe half the flattery I have had would have made me madly merry; but *all* only serves to depress me by the fullness of heart it occasions." "Steeped as she was in egotism," is the phrase used of her by Hayward, the biographer of Mrs. Piozzi. If she was so steeped, it certainly did not appear in outward obtrusiveness, pretense, or self-assertion. She repeatedly complains of her own shyness; and others, who knew her in very various surroundings, bear witness to it as strongly. "She was silent, backward, and timid, even to sheepishness," writes her father. "Dr. Burney and his daughter, the author of *Evelina* and *Cecilia*, . . . I always thought rather avoided than solicited notice," says Wraxall. And Walpole, assuredly never inclined to minimize defects, speaks with an enthusiasm which is absolutely conclusive. Miss Burney "is half-and-half sense and modesty, which possess her so entirely, that not a cranny is left for pretense or affectation."

No. The author of *Evelina* may, must, have reveled in the praise which was showered upon her to the point of intoxication. But she kept her head, and few men or women ever lived who were less spoiled by flattery than she.

Indeed, her extreme shyness probably prevented her being brilliantly successful in general society. She herself disposes summarily of her qualifications in that regard. A hostess, she says, should provide for the intellectual as well as the material wants of her guests. "To take care of both,

as every mistress of a table ought to do, requires practice as well as spirits, and ease as well as exertion. Of these four requisites I possess not one."

This is the sort of thing one prefers saying oneself to having others say it. There can be no doubt that Miss Burney had tact, grace, charm, and, above all, that faculty of taking command of and saving a difficult situation which is one of the most essential of social requisites. There is character in the pretty little anecdote of her childhood. She and her playmates had soaked and ruined a crusty neighbor's wig. He scolded. For a while Fanny—ten years old—listened with remorse and patience. Then she walked up to him and said: "What signifies talking so much about an accident? The wig is wet, to be sure; and the wig was a good wig, to be sure; but 'tis of no use to speak of it any more, because what's done can't be undone."

Still, she was doubtless at her best with one or two friends, where she felt at her ease. She loved society and conversation, but it was of the intimate, fireside order. How fine is her remark in this connection: "I determined, however, to avoid all tête-à-têtes with him whatsoever, as much as was in my power. How very few people are fit for them, nobody living in trios and quartettos can imagine!" She studied her interlocutors and adapted herself to them. "As I soon found by the looks and expressions of this young lady, that she was of a peculiar cast, I left all choice of subjects to herself, determined quietly to follow as she led." She had also that charming gift for intimate society, the power, or rather, the instinctive quality, of drawing confidences. Young and old, men and women, told her their hopes, their sorrows, their aspirations, and their difficulties. This, I think, does not commonly happen to persons steeped in egotism.

As it is delightful to turn from one trait in a character to another that seems quite incompatible with it, we must not assume that, because Miss Burney was shy and retiring, therefore she wanted spirits and gaiety. On the contrary, she assures us, and the diary and her other writings and her friends confirm it, that in good company she could carry laughter and hilarity to the pitch of riot. What a delicious picture does Crisp paint of her in childhood, dancing "Nancy Dawson on the grass-plot, with your cap on the ground, and your long hair streaming down your back, one

shoe off, and throwing about your head like a mad thing." She was always ready to dance Nancy Dawson, and eager in sympathy when others danced. In the lively parts of *Evelina* there is a Bacchic boisterousness almost Rabelaisian, and again and again throughout the diary scenes of pure, wild fun diversify the literary gravity of Streatham and the dull decorum of the court of George the Third.

But if Miss Burney could mock her friends she could also love them, and to study her friendships is to study the woman herself. Mrs. Thrale-Piozzi does, indeed, write of her young protégée in rather harsh terms. Like all the rest of the Streatham world, Fanny was bitterly opposed to the Piozzi marriage, and her attitude provoked her former hostess to indignant criticism. Even in the earlier days of ardent affection Mrs. Thrale notes some flaws in the relationship. Fanny was independent. Mrs. Thrale was patronizing. Fanny accepted favors a little as her due. Mrs. Thrale showered them, but wished them recognized. "Fanny Burney has kept her room here in my house seven days, with a fever or something that she calls a fever; I gave her every medicine and every slop with my own hand; took away her dirty cups, spoons, etc.; moved her tables; in short, was doctor, nurse, and maid—for I did not like the servants should have additional trouble, lest they should hate her for it. And now, with the true gratitude of a wit, she tells me that the world thinks the better of me for my civility to her. It does? does it?"

Can you not understand how Fanny felt? And how Mrs. Thrale felt? And that nevertheless they loved each other, as Mrs. Thrale indeed eagerly admits?

Then came the Piozzi trouble and the lady speaks harshly of "the treacherous Burneys." Yet I do not think Fanny deserved it. She loved Dr. Johnson and she loved Mrs. Thrale. Between them her course was difficult. Also, she was undeniably conventional by nature and Mrs. Thrale's irregularities shocked her. Yet she did the best she could.

"Treacherous," said Mrs. Thrale. "True as gold," said Queen Charlotte. The latter is much nearer the facts. Affection, loyal, devoted affection was the root of Miss Burney's existence. She quotes Dr. Johnson's saying to her, "Cling to those who cling to you," and I am sure she was ready to carry it the one step farther which real loyalty requires. Her old friends stuck by her and she by them.

She defends them when they need it, even when they hardly deserve it. "All else but kindness and society has to me so always been nothing."

Especially charming is her devotion to her family. The memoirs of her father are three volumes of long laudation. Almost equal is her affection for that singular figure, her other father, Samuel Crisp. Her sisters, Susan especially, are loved and praised with similar ecstasy, and when her husband appears, her letters to him and about him are as rapturous as was to be expected. One strange exception to these family ardors stands out by its oddity. Madame D'Arblay's only son is, in youth, not what she would wish him to be—not dissipated, not vicious, but unsocial, unconventional—and she analyzes him to his father with a critical coldness which, in her, is startling. "When he is wholly at his ease, as he is at present . . . he is uncouth, negligent, and absent. . . . He exults rather than blushes in considering himself ignorant of everything that belongs to common life, and of everything that is deemed useful. . . . Sometimes he wishes for wealth, but it is only that he might be supine. . . . Yet, while thus open to every dupery, and professedly without any sense of order, he is so fearful of ridicule that a smile from his wife at any absurdity would fill him with the most gloomy indignation. It does so now from his mother." And thus we get sudden glimpses into deep gulfs of human nature where it is hardly meant we should.

It seems almost an irony that a person of Miss Burney's social and conventional temper should have been forced into the excess of social convention—a court. She knew what was before her and hated it; for we like to indulge our failings in our own way. All the more, therefore, is one struck with the admirable qualities which such a trying experience calls out in her. To begin with, she maintains her dignity. Sensitive, shy, and timid as she was, it might be supposed that all court creatures would walk over her, from the king to the lowest lackey, that in the busy struggle to climb she would be made a ladder rung for every coarse or careless foot. No, it is clear she was not. She had no false pretensions, no whimsical assertion of pride in the wrong place. But she would not be imposed upon. How fine and straightforward is her statement of principle in the matter: "To submit to ill-humor rather

than argue and dispute I think an exercise of patience, and I encourage myself all I can to practise it; but to accept even a shadow of an obligation upon such terms I should think mean and unworthy; and therefore I mean always, in a Court as I would elsewhere, to be open and fearless in declining such subjection."

Even finer is the force of character with which she resists depression and brooding over being torn from her friends and cut off from all her favorite pursuits. "Now, therefore, I took shame to myself and resolved to be happy." Happy she could not be, but such a resolution alters life, nevertheless; and shows an immense fund of character in the resolver. Similar resources she had shown before when literary failure came to her as well as success. Accept the inevitable, resolutely control all thought of what cannot be helped, say nothing about it, and try something else. In short, she had a rich supply of that useful article, common sense. It is to be noted, also, that the heroines of her novels have it, for all their wild adventures.

With these various opportunities of human contact and with this natural shrewdness, Madame D'Arblay's diary should have been a mine of varied and powerful observation of life. It is not. She presents us with a vast collection of figures, vividly contrasted and distinguished in external details and little personal peculiarities; but rarely, if ever, does she get down to essentials, to a real grip on the deeper springs and motives of character. This is in large part due to the eternal literary prepossession which I have already pointed out. You feel that the painter is much more interested in making an effective picture than a genuine likeness. But Miss Burney's deficiencies as a psychologist go deeper than this technical artificiality and are bound up with one of the greatest charms of her personal temperament. For an exact observer of character she is altogether too amiable. I do not at all assert that a good student of men must hate them. Far from it.

There is a soul of goodness in things evil,
Would we observingly distill it out

is an excellent warning for the psychologist. But Miss Burney is really too full of the milk of human kindness. It oozes from every pore. She "tempers her satire with meekness," said Mrs. Thrale. She does indeed. Occasion-

ally, in a very elaborate portrait, like that of her fellow courtier, "Mr. Turbulent," she makes what the French call a "*charge*"; but even these are the rallying of utter good-nature, not the bitter caricatures of the born satirist. When, by rare chance, she does bring herself to a bitter touch, she usually atones for it by the observing distillation of a soul of goodness, which transfers the subject to the sheep category at once.

It is thus that her really vast gallery of portraiture is cruelly disappointing. Turn from her to Saint-Simon or Lord Hervey, turn even to the milder Greville or Madame de Rémusat, and you will feel the difference. George the Third was not Louis the Fourteenth, nor Queen Charlotte, Queen Caroline. But George and his wife were hardly the beatific spirits that appear in this diary. Miss Burney cannot say enough about her dear queen, her good queen, her saintly queen. Mrs. Thrale remarks: "The Queen's approaching death gives no concern but to the tradesmen, who want to sell their pinks and yellows, I suppose." And this is refreshing after so much distillation of soul perfumery.

In short, though she was far from a fool, Miss Burney's views of humanity do more credit to her heart than to her head. If the paradox is permissible, she was exceedingly intelligent, but not very richly endowed with intelligence—that is, she was quick to perceive and reason in detail, but she had no turn for abstract thinking. The "puppy-men" at Bath complained to Mrs. Thrale that her young protégée had "such a drooping air and such a timid intelligence." This was greatly to the credit of the puppy-men's discernment. Timid intellectually—not morally—Miss Burney certainly was. Such learning as she had she carefully disguised, and in this, no doubt, she had as fellows other eighteenth-century women much bigger than she. But when she gets hold of an attractive book she waits to read it in company. "Anything highly beautiful I have almost an aversion of reading alone." Here I think we have a mark of social instincts altogether outbalancing the intellectual.

As to religious opinions we have no right to criticize Miss Burney's reserve, because she tells us that it is of set purpose. At the same time it is noticeable how ready she is to look up to somebody else for her thinking. Her father, Crisp, Dr. Johnson, Mr. Locke, her husband, each in turn is an idol, a mainstay for the timid intelligence to cling to.

And as her intelligence was perhaps not Herculean, so I question whether her emotional life, just and tender and true as it unquestionably was, had anything volcanic in it. She had certainly admirable control of her feelings; but in these cases we are never quite sure whether the force controlling is strong or the force controlled weak. Her love for her husband was rapturous—in words. Words were her stock in trade. It was also, no doubt, capable of supreme sacrifice; for her conscience was high and pure. Still, that “drooping air and timid intelligence” haunt me. She seems to approach all life, from God to her baby, with a delicious spiritual awe; so different from Miss Austen, who walks right up and lifts the veil of awe from everything. Miss Burney, indeed, stands as much in awe of herself as of everything else; and hence it is that, writing thousands of words about herself, she tells us comparatively little.

One thing is certain, she was a writer from her childhood to her death. Her own experiences and all others were “copy,” first and foremost. “I thought the lines worth preserving; so flew out of the room to write this.” She was always flying out of life to preserve it—in syrup. The minute detail with which she writes down—or invents—all the conversations of her first love affair is extraordinary enough. Still, as she had no feeling in the matter herself, it was less wonderful that she could describe—not analyze—the young man’s. But she did love her father. She did love her husband. That she could go from their death-beds and write down last words and dying wishes, all the hopes and fears of those supreme moments, with cool, artistic finish and posterity in her eye, is a fine instance of the scribbling mania.

It is, therefore, as an authoress that we must chiefly think of her. It is as the fêted, flattered, worshiped creatress of *Evelina* that her girlish figure gets its finest piquancy; and she herself, in old age, must have gone back again and again, through all the varied agitations of fifty years, to that notable evening when Johnson and Burke vied with each other in enthusiastic praise of her book, and as she left them, intoxicated with glory, Burke quietly said to her, “Miss Burney, die to-night.”

GAMALIEL BRADFORD.

THE WESSEX NOVELS OF THOMAS HARDY

BY HAROLD WILLIAMS

HISTORY has a knack of presenting us with pairs of great men of thought or action who supplement each other's work, who fill in the one-sidedness or deficiency of their contemporary in the same field of achievement. The *a priori* philosophical method of Plato is balanced by the empirical bent of his pupil Aristotle; Euripides and Sophocles exhibit a natural contrast; Goethe and Schiller are different facets of a common *tendenz*; Tennyson and Browning illustrate the trend of thought, life, and art of their day in differing ways and in differing aspects; Emerson and Hawthorne are dissimilar examples of the meeting of New England Puritanism with the spirit of art. In the central decades of the last century two great English novelists, Dickens and Thackeray, reflected separate sides of social life each in his own vein of satire, humor, and didacticism. And, later in the same century, the contrast and comparison were repeated in different terms by another pair of great novelists, Meredith and Mr. Thomas Hardy. The long life of George Meredith drew to its close, and Mr. Hardy alone remains of the great men of letters who belonged to the Victorian era of English literary story.

Mr. Hardy had not, like Meredith, to wait through long years of comparative neglect, though it was some time before the more peculiarly technical excellence of his work received its due recognition. When his fourth novel, *Far from the Madding Crowd*, ran its course through the *Cornhill Magazine*, thirty-seven years ago, it commended itself as much to the uncritical reader as to the man whose business was with letters. But the gentle reader who escapes the obsession of trying or trying not to see harm in the later novels has still, in many cases, the innocent belief

that Mr. Hardy is the observant painter of rural scenes in a small corner of England, and that the narrow limitations of his Wessex scenery preclude us from regarding him as a great novelist. Others, of a slightly more critical capacity, look upon him as the receptive student of French technique in the art of shaping a narrative, and are blind to that comprehensive conviction and sympathy of outlook upon life which lie at the foundation of the greater qualities of his work. In the latter class may be reckoned, as a pertinent example, the late David Christie Murray, who, in unadvised moments of leisure, strayed from hackneyed fiction to literary criticism on still lower levels. In an unwittingly curious and amusing collection of critical essays on his contemporaries in fiction, wherein we find him performing the seemingly impossible feat of reviewing George Meredith and Mr. Hall Caine in a common chapter, he treats Mr. Hardy as the craftsman who has learned a useful lesson from the French novelists, though himself hampered by paucity of imagination and a want of fertility in the invention of plot.

These one-sided points of view are at fault not in the direction to which they look, but in their short-sightedness. Mr. Hardy may be the annalist of rural life and agricultural manners; but it is surely a mistake, at this time of the day, to breathe a sigh for another simple country-tale like *Under the Greenwood Tree*, charming in its direct naturalness as that book may be! And yet the sigh has been breathed in print by a distinguished American critic of literature. If Mr. Hardy had restricted himself to the vein of his second novel we should be safe in prophesying that, compared with its actuality, the measure of his present fame would have been insignificant. It is not only as the painter of village life in remote corners of a small English county that he has sent out novels which impress readers in his own country, and under the wholly different conditions of life in America, with their note of power and great writing. Nor, again, has he won his outstanding position merely as a master-craftsman.

Mr. Hardy's knowledge of country life, his powers of observation, the fine faculty he displays in putting a book together, stand him in good stead; but it is not here only that we look for that which gives him his notable place as a writer of prose fiction. If we compare secondary writers with those who take their place by right divine in the first

class, we shall feel that the most marked distinction is what we may call the aura of individuality which flows from primary writers. No writer has been truly great who was not possessed by some species of egotistical conviction, an outlook on life and its problems which was for him inevitable and virtually unquestioned. This mental attitude may have been revolutionary or conventional, original or commonplace, moral or immoral according to ordinary standards, but it has always been intense. Richardson, who was wholly commonplace, created, as he claimed, "a new species of writing," more important than Mr. Bernard Shaw, who, less distinctively conventional in outlook, is ever likely to do. Great fiction, like other forms of art, is measured ultimately by concentration of vision and emotional sincerity in the author.

That view of life which we read out of Mr. Hardy's novels is steady and whole-minded; it is as intense and thoroughgoing in the earlier books as in his later work. He would seem to have suffered from none of the illusions of youth. We are conscious that the young man of thirty knew with Bellario that life is "a game that must be lost"; or in the phrase of Rabelais we could imagine him describing it as an "*insigne fable et tragique comédie*." But though he refuses the sop which Hope holds out and most men clutch at, there is no weakness in the mental atmosphere of the novels. For, unlike many theoretical or temperamental pessimists, Mr. Hardy is imbued with the spirit of a human and a personal sympathy. Faith, hope, and love are satirized by circumstance or broken beneath the passing feet of the years which "like great black oxen tread the world"; but, even if we have read ourselves into a mental acquiescence with the attitude of the writer, we would still wish to play our part on so great and moving a stage. The unconscious powers which rule the courses of the planets and heedlessly shape the lives of men are never lost to view. In the solitary woodland places, on Egdon Heath, in Blackmoor Vale, at the dairy-farm where Tess and Angel Clare learned to love, in the quiet cathedral town of Melchester, and in the market-place of Casterbridge we realize that the course of events in the story of obscure lives is big with the destinies of the universe. The scene is laid in a secluded agricultural county where the noise of the great industrial centers hardly comes as a distant murmur, the characters belong to the sim-

plicity of an older and less sophisticated world than most of us are condemned to live in; but in these novels life is greater, nobler, more tragic, more fraught with tremendous issues, than in books which carry us away to the four corners of the earth or to the noisy bustle of nations and of kingdoms. Whatever may be the limitations of Mr. Hardy's insight, the similarity of the *motif* underlying his tales, or the improbability of plot in his minor books, he can claim to have invested the tragedy of the individual with a note of universal significance as only the great masters have done. It is this which lends to his novels whatever greatness they possess. Not a few among younger writers have imitated him or worked over again the hints which he has dispensed, but the peculiar note of great destiny which marks his narrative is not to be found in the copies. This is inimitable, the gift of that unfaltering steadiness of vision which belongs to genius.

It has been conjectured, and with some show of reason, that we can trace three stages in the development of human consciousness. In early and primitive man the sense of individuality is slight: the individual is sunk in the tribe. There is, secondly, the stage on which the vast majority of civilized men now stand, where the sense of the Ego, of the individual life set in opposition to the *otherness* of fellow-lives, is clearly felt. And beyond this lies a third stage, the beginnings of which we can already discern—the realization of the unity of the individual with universal life. The theory may seem a little strained; but, apart from its strict application, it is, at least, suggestive in the study of differing types of mind. The imagination of Mr. Hardy belongs distinctively to the third order; and it is as yet an uncommon type. It sees the unity of all sentient life, not as a philosophic doctrine, but as a momentous reality. Schopenhauer, watching the kitten playing in the yard, knows that it is the same as the kitten that was playing there three hundred years ago. The generations of cat-life are only a means to an end—the kitten which is always there; and only important in the light of that end. So likewise birth and death and the passing generations of men only serve to fill out the jejune chronicle of history; the important and significant fact is man who is always there. That the individual existence is “rounded with a sleep” is less to Mr. Hardy than the knowledge that the essential elements of human

life and character are not mortal; they endure unchangeably through the centuries. In the Wessex laborer of to-day, who plows the field, walks the lonely heath, sits in his village inn and talks the Old World wisdom, he sees the same man who was there a hundred, five hundred, a thousand years ago. Changes in dress, in vocabulary, in a few essentials of an uncomprehended religion, Christian in name but pagan in virtue, are superficialities which do not touch the real man. The temper of mind which leads Mr. Hardy to see the past in the present, to read the older generations in the face of living men and women, is only a manifestation, in lesser degree, of the tendency already noticed, which helps him to lend a mood of universality to individual life-stories. In his greater novels the ancient world is never lost to sight; in the talk, wise sayings, humor, scarcely veiled paganism, belief in witchcraft, in the houses and household utensils of the Wessex peasantry, it still lives.

Mr. Hardy writes:

Many of the laborers about here bear corrupted Norman names; many are the descendants of the squires in the last century, and their faces even now strongly resemble the portraits in the old manor-houses. Many are, must be, the descendants of the Romans who lived here in great pomp and state for four hundred years. I have seen faces here that are the duplicates of those fine faces I saw at Fiesole, where also I picked up Roman coins, the counterpart of those we find here so often. They even use Latin words here, which have survived everything.

Other writers have preceded or followed Mr. Hardy in giving to their novels a local environment, sometimes even narrower than his, but no one has succeeded, by the same plan, in impressing upon us the age-old and unchanging order of life's essentials. The scene of nearly all his greater writing centers in one small county, Dorset; and he uses the unity of place to educe an artistically impressive synthesis of past and present life.

The unseen powers behind the universe are present for Mr. Hardy as an impelling force alike in the lives of men and in the realm of Nature. When he describes the fields, the copses, and the hills of Dorset, it is not as plausible and necessary background to the lives of his characters. The moods of earth and sky enter into human life, color it, and even play their part in the story. In *The Return of the Native*, for example, Egdon Heath, a "vast tract of unclosed wild," broods as the genius of destiny over the lives

of the men and women who pass their allotted span of time upon its slopes. The dark embrowned mass of the heath is drawn against the skyline of the narrative, and we cannot escape a consciousness of its presence even when for many pages it has not been named.

The profound influence of climatic and physical conditions upon the character of a people is admitted, but it has seldom been used by imaginative writers with conscious artistry or psychological insight. The early novels of Björnson, *Arne* and *Synnöve Solbakken*, are notable exceptions to such a statement, and there are, of course, other exceptions among English, French, and Russian novels. But, however faithful the transcript of natural scenery may be in many writers, we are rarely made to feel that its connection with human life is intimate and inevitable. In Mr. Hardy's novels it is difficult to dissociate the people from their environment; and, more than this, by a fine and most distinctive gift of psychological suggestiveness, we read the color and nature of their surroundings in their habits, speech, and character. Egdon Heath pervades the lives of the peasantry in *The Return of the Native*; but Giles Winterborne and Marty South, in *The Woodlanders*, belong to the woodland places. We could not transfer characters from one book to the other without a sense of incongruity. We are conscious of an essential affinity between the atmospheric tone of natural environment and the inmost personality of characters in the tale.

Wordsworth was the first to reveal clearly a kinship between the moods of earth and sky and the moods of the human mind. But the theory he reiterates, that the simple and austere surroundings of Nature reflect themselves in the natural integrity and cheerful contentedness of country folk, is surely an extraordinary misconception, which the slightest real acquaintance with any European peasantry will immediately remove. Even Wordsworth's tramp, who lives by begging scraps from door to door, bears about

The good which the benignant law of Heaven
Has hung around him.

This is indeed the super-tramp! Nature is the teacher of "moral evil and of good" to the cultured and reflective mind; but only in pastoral idyls are we justified in supposing that She is an ethical influence in the lives of those

whose lot has been cast upon the soil through generations from father to son. Mr. Hardy does not labor under the illusion which Wordsworth has cultivated in the minds of town-dwellers. If, however, natural influences are not reflected ethically in the habits of a peasantry they are reflected in poetry of speech, in imagination, in religious beliefs, in the whole cast of temper and mind. Gabriel Oak, in *Far from the Madding Crowd*, is a man who lives in the open fields tending sheep, we read it in his whole manner; Giles Winterborne, in *The Woodlanders*, as obviously spends his life in the shadowy silence of the woods; though Clym Yeobright, in *The Return of the Native*, has traveled, the barren features of Egdon Heath have communicated a like austerity to his view of life's meaning; and Michael Henchard (*The Mayor of Casterbridge*) is an agricultural laborer out of place in a country town. Marty South and Tess are both country girls, yet they differ, for one lives in the woods and the other in a village. Beyond this, however, it is blind circumstance and not character which separates so widely the moral issue of their lives.

The business man who rushes away, once a year, from the whirl of city life to a holiday in the country feels a joyous exhilaration in the sense of freedom and space, in the purity of the air, and the sweet scent of flowers and lush grasses. But if he protracted his holiday in a lonely district far from towns for ten or twenty years, he would find this sense of exhilaration fade into something more like melancholy. Country folk may have humor, but their ordinary habit of mind is more grave and serious than that of city people. The elemental forces of Nature, reflected in the seasons, pursue a monotonous and unchanging course. The man who watches the repeated cycle of the seasons through a long lifetime will not himself be vivacious or responsive to rapid alternations of mood. The song of birds, the sough of the wind, the music of running water, have not changed since the creation of the world. Mr. Hardy is keenly conscious of this monotony of repetition which communicates itself to the mind of country people. He describes Michael Henchard tramping the road with his wife who carries a child in her arms, and speaks of "the atmosphere of stale familiarity which the trio carried along with them like a nimbus as they moved down the road." This is only a reflex of the "stale familiarity" of the sky, the fields, the hedgerows, the road

with dusty grass margins, and "the voice of a weak bird singing a trite old evening song that might doubtless have been heard on the hill at the same hour, and with the self-same trills, quavers, and breves, at any sunset of the season for centuries untold."

The epithet commonly used to describe the more serious and less versatile nature of the countryman as compared with the man who lives in streets, is *stolid*; but the word inevitably implies staring and stockish stupidity. It may be that the countryman's ideas move more slowly than those of people from the large cities, yet not because he is stupid; his wisdom is as true, and it is more fitted to the needs of a life which has to do with the unceasing movements of Nature. The spirit of a strong and patient passivity and melancholy is written in the lives of all the more outstanding characters of Mr. Hardy's novels. His reading of peasant life is intimate and realistic, not the clever reconstruction of the young novelist who has worked up his local color by a few weeks' stay on the spot, and writes to show us how the other half of the world lives.

There is, however, another side to the picture; and to leave Mr. Hardy's painting of peasant life at this stage would be a gross misrepresentation. Faithful adherence to the pervading atmosphere of life on the soil may have tinged his narrative with a melancholy, which to the imperceptive reader seems a morbid obsession. But he is a pessimist with a deep and rich vein of humor. Melancholy lies at the base of every genuinely humorous nature. There is a strain of gravity and sadness in the character of Falstaff. Mr. Hardy's humor in characterization was never better displayed than in the first of his more distinctive novels, *Far from the Madding Crowd*. In that fine piece of critical writing, *The Art of Thomas Hardy*, Lionel Johnson points out that in the humor of these peasant characters we are made to feel that life on the English soil has not changed essentially since Shakespeare peopled his plays with country folk of his own day. "When they speak," he writes, "it is in a Shakespearean humor: from Shallow and Silence, to Mistress Quickly and Dull, from Lance and Lancelot, to Costard and Touchstone, we hear the old tones, taste the old wit, take the old humor, until we are ready to swear by that impressive phrase, the continuity of history."

If we find a larger quantity of humor in the first of the greater novels, it does not fail us in that book's successors. The conversation of the bonfire-makers in *The Return of the Native* is touched with a wise humor. It is the humor of shrewd observation, untrammelled by ideas and qualifications taught in the schools; and this is the true quality of peasant humor. Its character may be instanced by Mark Clark's statement that a faculty for drinking deep is "a talent of the Lord mercifully bestowed upon us, and we ought not to neglect it"; or by Humphrey's excuse for absenting himself from church on Sundays: "'Tis so terrible far to get there; and when you do get there 'tis such a mortal poor chance that you'll be chose for up above, when so many bain't, that I bide at home and don't go at all." The play performed by the mummers in *The Return of the Native* reminds us, in its blundering ineptness, of Shakespeare's farcical sub-plots. Here are the same people—Costard, Dull, Quince, Nick Bottom, Starveling—they bear different names, but they have not changed.

The talk of these country people revolves about a few enduring subjects, the mainsprings of human life, which are always and insistentlly there—birth, marriage, death, religion, eating, and drinking. And serious as most of these matters are, though the peasantry of these Wessex novels know them to be serious, yet there is a natural and admirable reaction of the human mind which has always prompted it to talk a little jestingly on grave subjects—even judgment and the wrath to come. It is a natural necessity, and spells profanity only to those who are shallow and superficial. The lot of the laborers whom we meet in the novels is hard, they win the right to existence by a lifelong monotony of toil as furze-cutters, farm hands, dairymaids, plowmen, shepherds, reddlemen—it is in the moments of relief from labor, when they sit in the taproom of the village inn, or take part in a dance and supper that the kindest of gifts bestowed on mortals lightens the interlude with odd whimsicalities of thought and turns of phrase.

The signal and final test of genius in the writer of fiction lies in the presence or absence of two faculties which can hardly be analyzed or dissected apart from each other. These two are, the gift of visualizing characters who belong to the real world, who are not merely clothes-racks with names, and the power of placing them in an environ-

ment of episode and incident which would naturally arise in the clash of their postulated temperaments and natures, so that we feel them to be more than puppets controlled at the caprice of the author. If we begin to measure Mr. Hardy's novels by this standard, the necessity of uncompromising differentiation becomes apparent. He has written books in which we suspect him to be toying with his natural aptitude for inventing entanglements and hitches. Into this class fall *A Pair of Blue Eyes*, *A Laodicean*, *The Hand of Ethelberta*. The characters are unconvincing and the plot improbable. In later books, *The Well-Beloved* and *Jude the Obscure*, widely sundered as they are in intention, we begin with abstract ideas, and the story is written to clothe their metaphysical nakedness. *Jude the Obscure* is the story of a hero of tragedy commonly to be found in the philosophical writings of rationalists, and known as "Circumstance-over-which-we-have-no-control." Five novels, in which the author keeps himself to life on the soil of Wessex, stand in a distinctive place above Mr. Hardy's other books; they are, *Far from the Madding Crowd*, *The Return of the Native*, *The Mayor of Casterbridge*, *The Woodlanders*, and *Tess of the D'Urbervilles*. Besides these are the volumes of short stories in which he is eminently successful, and *The Trumpet Major*, a delightful Wessex tale, showing, however, less power than the greater novels.

Mr. Hardy is to be judged by the five novels distinctively named. The *motif* in each case, when disentangled, exhibits a strong similarity; but we are not conscious of it till we return upon our track in the mood of analysis and criticism. The type of hero chosen is the strong, patient, thoughtful and upright man belonging to the soil; he is better than the ignorant laborers and yokels about him, but neither in knowledge nor in intellectual powers does he reach to more than a very moderate standard. He is commonly brought into contact with a woman slightly his superior in culture and quickness of mind; but the type varies, and there may be more than one woman. Against the principal figures are set, on one side, country people and laborers, and, on the other, men and women of a higher social rank, whose artificiality contrasts weakly with the simpler natures of the people of the soil. But in the last point something certainly can be attributed to the author's comparative awkwardness when he gets away from his country folk. In *Tess of the*

D'Urbervilles the plan is virtually reversed, and we read the tragic issue of a conflict of character between an untutored village girl and men who are her superiors in the social scale and in knowledge of the world.

The Woodlanders approximates most fully to the outlines of this sketch. Here we see two worlds of thought and feeling opposed to each other. Felice Charmond and Dr. Fitzpiers stand on one side as gentlefolk; on the other side are Marty South and Giles Winterborne as types of peasantry; and Grace Melbury, the daughter of simple country people, whose natural self has been blunted by an expensive education, links the two extremes. An able critic of Mr. Hardy's work has animadverted upon what he regards as the incongruous nature of this contrast. He declares that the author achieves a positively irritating result in the combination of "a matchless story of rustic life with this inferior work." And he adds:

It produces the effect of a Millet inserting into the foreground of a masterpiece, such as *Les Glaneuses*, the figures of an actress and a physician, painted in some fashionable style of portraiture. The required contrast between the primitive ways of the woodlanders and the manners of the modern world might surely have been obtained by more simple means?¹

He does not indicate the method he would prefer, and the less hypercritical reader may rest content in believing that Mr. Hardy has employed the only means possible of reaching the desired contrast—that of bringing the two worlds into contact. And the analogy with Millet's great picture is worse than meaningless; it is to confuse the totally different aims of two arts. It is the business of a painter to enshrine the visual emotion of a moment; it is the business of imaginative writing to exhibit moving incident and the clash of character. Minor details in the plot of *The Woodlanders* may be improbable; we do not say they are; but in its striking picture of the sundered paths of natural men and women and the artificial world of modern civilization the book does *not* fail.

Giles Winterborne is Mr. Hardy's true and humble man of heart for whom circumstance is too strong. The tragedy of his life lies in his love for Grace Melbury, the woman who has been placed out of harmony with the rustic simplicity of her home surroundings by a high-school educa-

¹ *Quarterly Review*, April, 1904.

tion. The thin veneer of an unsuitable education blinds her to the simple worth of the great-hearted man who loves her, and she marries an expansive, conceited, irritating young country doctor. He is soon faithless to her; and the marriage drifts into disaster, only to be miserably patched up again. Though Grace Melbury has passed him over, Winterborne suffers exposure for her sake which results in his death. Yet the memory of his self-sacrifice soon slips from her; and it is Marty South, the hard-working, poverty-ridden cottage girl, who has loved Winterborne hopelessly while a less worthy woman stands between, who comes every week to lay fresh flowers on his grave. And we realize that this girl standing there in the moonlight, "the marks of poverty and toil effaced by the misty hour, . . . touched sublimity at points, and looked almost like a being who had rejected with indifference the attribute of sex for the loftier quality of abstract humanism." The unbefriended, toil-worn peasant girl whispers to the green sod which covers the man she loved:

Whenever I get up I'll think of 'ee, and whenever I lie down I'll think of 'ee. Whenever I plant the young larches I'll think that none can plant as you planted; and whenever I split a gad, and whenever I turn the cider wring, I'll say none could do it like you. If ever I forget your name let me forget home and heaven! . . . But no, no, my love, I never can forget 'ee; for you was a good man, and did good things!

She recounts his deeds—they belong to the narrow round of laboring life which they both knew—the planting of cuttings, the splitting of gads, the turning of a cider press; for his skill in these and for himself she loved him unutterably and forever. *The Woodlanders* closes on a great note which thrills the imagination with the poetry of an emotional truth to life. And in the gallery of noble women who adorn the pages of English fiction, from Clarissa Harlowe, Amelia and Jeanie Deans to the women of Meredith, Marty South claims her rightful place.

In differing terms the tragedy of *The Woodlanders* is the tragedy of Mr. Hardy's other novels. In the phrase Grammer Oliver borrows, we realize that "no man's hands could help what they did, any more than the hands of a clock." It is useless to quarrel with a writer because he is a determinist, and we may happen to hold a belief in the freedom of the will, which we justify to ourselves, either not at all, or after the manner of Locke, Bergson, or any other thinker

who has given himself to the solution of a problem that can never be laid. This question, like many others, has nothing to do with our judgment of imaginative writing. If it had, there is ground enough for the battle in Shakespeare, and the question of its relation to great art may be fought out there, before it is carried further. With the vast majority of people the answer must always remain a matter of temperament and nothing more. But few writers have suffered more narrow-minded disparagement on this score than Mr. Hardy. In the region of artistic and literary criticism the whole question exists, only to be dismissed to its proper place—the philosopher's study. On the other hand, Mr. Hardy's power, which none can deny him, is not a little owing to what may appear to some readers his inability to see that, despite the harsh ironies of circumstances,

. . . thought and faith are mightier things than time
 Can wrong,
 Made splendid once by speech, or made sublime
 By song.

To say that he does not perceive this would be unjust; love and faith triumph over the wrongs of time in the concluding passage of *The Woodlanders*. But the habitual mood of his narrative tends to hide from sight the "immarcescible crown" of life's failures. Heartless treachery betrays Fanny Robin to a miserable death in the workhouse; Michael Henchard's decline is a picture of unrelieved gloom; and the tragedy of *Tess*, if it seem to mortals "a lamentation and an ancient tale of wrong," is only as sport to the Immortals.

The five prose tragedies of Wessex life reach their culmination in *Tess of the D'Urbervilles*. Few English novels written within the last forty years are better known than this: it has called forth an almost equal measure of admiration for the power and beauty of its writing and of vituperation from people who are troubled with the complaint of seeing harm in things. The clear issue of *Tess* is merely one more treatment in terms of art of a question as old as the Book of Job; it enters into Goethe's *Faust*, it underlies the narrative of *Clarissa*; and if the solution be as far from us as ever, it is improbable that the question has now been asked for the last time. The exact distribution of justice is undeniably not as apparent in the world of actual

things as some would have it; and in the "crash of broken commandments" it is not always the most guilty who suffer. The problem is not merely one of speculative interest: it has wide ethical implications. An intelligent reading of *Tess* reveals Mr. Hardy in an unexpectedly conventional light as a moralist; and the failure of the many to see this is a little difficult to understand. The conviction Angel Clare finally reaches, that "The beauty or ugliness of a character lay not only in its achievements, but in its aims and impulses; its true history lay, not among things done, but among things willed," is surely a very moderate commonplace, even in the pulpit.

But *Tess* as a work of art is a greater thing than the same book as a criticism of ethical anomalies. Its worst faults lie in the author's obvious didacticism, which hurries him into digression and a loss of hold upon that gift of design and composition which commonly distinguishes his work. Conflict of character is dramatically conceived and dramatically executed. *Tess* herself must always remain an enduring figure in English fiction. The book is instinct with a fine and austere sense of poetry. In its painting of natural scenery it falls not a whit behind *The Woodlanders* and *The Return of the Native*. And there is nothing in these novels to rival the exquisite beauty of those passages in *Tess* which describe the silent loveliness of the morning and evening hours, when the shadows and lights hover and pass across the rich meadows surrounding Crick's dairy-farm. Nor can anything in Mr. Hardy's work surpass the power with which he describes Nature in her sterner aspects in the tale of *Tess's* toiling life on the bare chalk-lands of Flintcomb-Ash.

To return to an earlier statement—if we are to judge the place of Mr. Hardy as a writer of fiction, it is by his five greater novels. In these our imagination is intimately affined with the experience of peasant men and women; and we read in the story of their lives the inevitable event of the clash of character with character. There is a logical precision and exactitude in the treatment of character; the author is imbued with a scientific and analytic temper; but life is for him the primary art. The development of incident is not clever design; it is the unavoidable outcome of situation and character. In few novels indeed does the narrative read as an inexorable transcript. The character-

study may be clever, the weaving of the plot ingenious, but very rarely are we made to feel an inherent and necessary relationship between the two. To bring the two together as the corresponding terms of a synthesis is the perfect work of the dramatist and novelist. A very general criticism of Mr. Hardy's novels is the improbability of their plot. But this is to judge him only by his secondary work—a manifest injustice.

And, once more, a town-bred criticism is sure to go astray when it walks the lanes of Wessex in a silk hat, lavender gloves, and frock-coat, and examines the lives of the people in the light of the newest fashion in ideas. Between the peasantry of Europe and the life of the cities there is a great gulf fixed. For example—in several very distinctive features the country folk have a well-understood code of morality ruling sex-relationship, which has long since been replaced by another standard in the world of modern civilization. In obedience to this older code Jude Fawley unquestioningly marries Arabella Donn. And this is only a single instance of differences of thought which extend to all the issues of life. In the standards by which conduct is judged, in the measure by which life's meaning is estimated, in the rules which guide action, the mind of the laborer on the soil has a wholly different content to that of his more sophisticated fellow in the cities. And the drift of the narrative in Mr. Hardy's Wessex novels is guided by the knowledge of an older and more primitive way of looking at things, which is often lost upon the city-bred reader.

Herein lies a secondary value of these novels. The older agricultural life dies hard; and even in England there are still large tracts of country, notably in the southwest, where large cities there are virtually none, almost untouched by the desolating influences of the great industrial centers. Yet, even here, life is not what it was to the middle of the last century. The Wessex of Mr. Hardy is "a modern Wessex of railways, the penny post, mowing and reaping machines." But by birth and ancestral associations he belongs to the soil and land which he describes; his writing is instinct with these associations, bred in the physical fiber and in the imagination. In the Wessex novels the older ways, the older thought, the old wisdom, speech, and humor are reflected by a master mind.

HAROLD WILLIAMS.

REVISED ETHICS

BY LOUISE COLLIER WILLCOX

It has been said: "*La religion étant un des produits vivants de l'humanité doit vivre, c'est-à-dire changer avec elle.*" The conditions of human life are admittedly changing to-day with a speed heretofore unimagined, and this must needs point to a change in men themselves.

Whoever interests himself in the changes denoted by a new vocabulary or a disuse of the old realizes how great a change is coming about in our moral and religious perceptions. Not only is the devil dead in the last half-century, but all the old phrases that grouped themselves about personal salvation are swept aside. To-day we have but little respect for the man who would confessedly be spending time saving his own soul. On the contrary, the question about a character nowadays is invariably, What can it do to save others, what is its service to humanity?

Another change to be noted is the turning from any abstract and intangible obligation to the immediate concrete duty. We respect a man less to-day for regularity at church and an enforced familiarity with the hierarchy of heaven than for some immediate service to his neighbor. If he devote himself to the succor of the poor, like Jane Addams; to a sympathetic adjustment of human difficulties, like Judge Lindsey; or to self-renunciation for the benefit of others, like Tolstoi, we understand and honor his character.

A well-known thinker upon ethical and religious history traces the religious consciousness of the last century or so through three stages. Beginning with what he calls religious morality, it has worked down through a rational morality and a morality of work to social morality. This would seem to be entirely in accord with Jesus's saying, "If ye love not your brother whom ye have seen." Were a social morality sufficiently full-veined and wide-spreading, it might quite as well work back on that broad foundation through the same

gradations—namely, after love of one's brother, through service, to a conception of the rationality of lifting the plane of the whole race to some far worthier spiritual conception than any yet attained.

As it is, the old vocabulary is swept away. Duty to God, which consisted in certain rigid and formal external obligations, prohibitions, and commandments beginning "Thou shalt not," is merged in the new dispensation begun really when, instead of Moses's ten prohibitions, the laws of life were framed in the nine beatitudes. Loving and serving God in order to procure His protection and advancement in this life, as well as what George Meredith calls "the renting of a pew in heaven," would necessarily seem rather unworthy to a higher development of consciousness.

The second stage of modern morals founded itself upon rationality. The wages of sin proved death, and whatever was of worth in this world was the reward of a reasonable and sensible conduct of life. This morality, however, no longer claimed to be obedience to a divine revelation so much as obedience to man's own more enlightened perceptions. Its laws were largely laid down or expanded from the former tradition of public opinion. Public opinion, as Professor Giddings defines it, is "The judgment of a self-conscious community upon any subject of general interest." The formation of public opinion is the sum of education as it extends from the schools, universities, theaters, newspapers, magazines, novels. That the change from a religious morality to a social morality has not lessened human interest or lightened the sense of obligation may be derived from the mere reading of the tables of contents of the current magazines. Every phase of obligation is represented; of man to man, and even man to woman; of the adult to the child; of capital to labor; of the working-man to his fellows; of citizens to schools; of employers to employees; of society to the criminal, the uneducated, the insane, the feeble-minded.

The moral sense we must admit has never been more alert, more open-minded, and man never more sure of accomplishment through endeavor. He aims to-day as never before at a social adjustment, the adjustment of earning-power and of wealth, of the public health and the education of minors, even ultimately at the regulation of the kind of people that shall be born into this world.

Never before have the means of spreading opinion been

so stupendous. "Amid the daily contact of our social habit of thought, standards of value, subtle influences in the estimate of right and wrong pass from man to man just as quietly and unconsciously as the blood passes from one part of the body to another, bearing seeds of life or death to the whole body." We would seem to have reached the stage already when secrets are proclaimed from the housetops. Also it is evident that the old system of rewards for virtue has dropped out of sight. No heaven is described and promised for the self-sacrificing and the virtuous. Somehow virtue must be understood to be its own reward. The gentle shall have love in their hearts; the mourners shall know the warm reaction of comfort; the meek shall enjoy the friendship of the earth and man; the hungry and the thirsty for righteousness shall become righteous; the merciful shall in turn be spared; the pure shall know what purity is; peacemakers shall be blessed as peacemakers; and those persecuted for a good cause shall know the highest bliss, which is self-respect. All this was pointed out some two thousand years ago, and the world is beginning to understand and accept it to-day.

There is one new reward for the virtuous occasionally discerned. It is again being emphasized that he who escapes from the smaller world of the ego inherits a larger world. There is a type of consciousness aware of the universe not as a dead machine against which he struggles for the breath of life, but rather as a living presence of which he is a part and by which he cannot be destroyed. The destruction of his self-consciousness is the birth of a consciousness which includes all that he perceives, or is even vaguely aware of. This enlargement of the self throws pain and suffering, the struggles of development, into the background. A widening of sympathy whereby all men's joys are ours, a deepening of consciousness whereby all mental satisfactions permeate all—these are the distinguishing features of our new ethics. In the *Story of My Heart* Richard Jeffries describes many of the phenomena of this state of mind, which is probably the next step beyond the social morality: "I feel on the margin of a life unknown, very near, almost touching it—on the verge of powers which, if I could grasp, would give me an immense breadth of existence. . . . Sometimes a very ecstasy of exquisite enjoyment of the entire universe filled me. . . ."

“ When I consider that I dwell this moment in the eternal *Now* that has ever been and ever will be, that I am in the midst of immortal things this very moment, that there are probably souls as infinitely superior to mine as mine to a piece of timber—what, then, *is* a miracle?”

This power of dissolving self-consciousness into life-consciousness, as in Jeffries, or into general human-consciousness as one often finds it in Walt Whitman and Edward Carpenter, would seem to be, quite evidently, the next step forward in development.

The simple lesson has been learned by most people of a fairly progressive consciousness that self-consciousness stands in the way of progress and that to save a life one must begin by losing its narrower limits, that is, give up all limited desires and forms, all effort at aggrandizing the single separate unit of humanity, except in so far as doing so aggrandizes and develops the entire human consciousness; literally, lifts all humanity upon some higher plane.

It was some such vision as this that Dante describes in the last cantos of the “ *Paradiso* ” when at last he saw “ the smile of the universe,” a “ life entire of love and of peace.” It was this enlarged consciousness of which St. Augustine wrote in his *City of God*, where there were graves of honor indeed, but none of envy.

This loss of self in larger units such as Nature, humanity, the general welfare, and larger consciousness is the very essence of our revised ethics. No man is good or happy or successful unto himself alone.

LOUISE COLLIER WILLCOX.

MUSIC AND DRAMA

SIGNIFICANT HAPPENINGS OF THE MONTH

Strauss's "Rosenkavalier" in New York.—The Visit of
Cyril Maude.—A Delectable Irish Comedy.—
"The Strange Woman."

BY LAWRENCE GILMAN

THERE are some who, noting the recurrent potholes stirred up by the compositions of Richard Strauss, may remember the words of Socrates to the Athenians: "You are vexed, as drowsy persons are when they are awakened." Surely Strauss is unequalled in all music as an awakener! Whatever may be justly said in detraction of him—and he is full of faults—it cannot be denied that he always stirs the waters. The commotion may bring up something rare and precious, or it may bring up mud; but the activity is indisputable. He is the most electrical, the most inveterately alive, of all music-makers. For mere dynamic energy, there is no one to set beside him. He is often irritating—and he irritates by his banality and triviality no less than by his staggeringly complacent habit of writing music that has neither point nor coherence, neither reason nor logic. But to be indifferent to his address is impossible. He can be commonplace with a blatancy that sets the teeth on edge. He can attain to a degree of bad taste that passes credibility. His *gamineries* are unpardonable. He can offend and exasperate with a cool effrontery that is almost engaging. He can be as trivial as Bellini, as sentimental as Gounod, as pompously empty as Meyerbeer. He is the most reckless, the most untamed, the most preposterous, the most egregious of all composers. He reminds you of what Swinburne said about William Blake: that, "aware that he must at least offend a little, he did not fear to offend much. To measure

the exact space of safety, to lay down the precise limits of offense, was an office neither to his taste nor within his power." Yet Strauss is beyond any question at all the greatest music-maker since Wagner—one of the supreme tone-poets. He has practically no limitations. He can be as impassioned, as beautiful, as pathetic as Wagner, as nobly elevated as Beethoven. He has written page after page that are among the most impressive in all music. Such things as the love music in "Heldenleben," the tenth variation and finale in "Don Quixote," certain of the songs, the recognition scene in "Elektra," the stupendous opening measures of "Zarathustra"—music of terrifying, of cosmic, sublimity: things such as this the world will not soon let die. We have mentioned Blake—of whom Strauss not infrequently reminds one; and it was Blake who finely and truly said that music "exults in immortal thoughts." There are immortal thoughts in the music of Strauss. At his best he is comparable only with the masters. He recalls that astonishing portrait of a famous publicist by John Sargent, which, if you cover one side of the face, suggests a diabolical creature without soul or conscience, whereas, if you cover the other side, the face of an inspired and noble dreamer emerges from the canvas. That is Strauss: an amazing and inexplicable compound of the great and the unworthy, the trivial and the sublime, of virtue and depravity—a grotesque and disturbing phenomenon: a being half gamin and half seer, a rogue as incorrigible as his own *Till Owlglass*, whose lips, though they utter blasphemies, have yet been touched with the sacred fire: a poet whose eyes behold apocalyptic visions while his hands play unspeakable pranks. The world has never seen his like. He has had no precursor; he is an anomaly—unanticipated, incomparable.

Is it strange that a new esthetic experiment by such a man should awaken lively interest? Certainly "Der Rosenkavalier," Strauss's first venture in the field of operatic comedy, is worthy of the curiosity it has excited. No one with the artistic resources of Strauss had ever before attempted a work of precisely this character, and "Der Rosenkavalier" has made a noisy progress through the operatic capitals since its première at Dresden three years ago. The Metropolitan Opera House has been closed to Strauss and all his works since the "Salome" excitement of seven

years ago; but now he is—shall we say “triumphantly”?—reinstated there by Mr. Gatti-Casazza’s admirable production of this remarkable work. For remarkable it surely is, whether you like it or not. A stage-piece that is part *opera-buffa*, part true comedy; that is at times delicately and truly touching, and at times uproariously farcical; that is set to a score as intricate and sophisticated as the most ingenious of modern musicians could make it; that poses a tonal climax of portentous magnitude against a waltz as light-hearted as any that ever came out of Vienna; that reminds you one moment of the Wagner of “Tristan,” and the next moment of Mendelssohn, and the next of ancient Italian opera, and the next of Mozart, and the next of the most ingenuous of folk-songs, and the next of Johann Strauss—a work such as this is not met with at every turn of the way.

It is not easy to make up one’s mind whether Strauss has in this score given us a masterpiece or an artistic failure. The libretto of Hugo von Hoffmansthal is diverting, adroit, and salacious. The humor is at times finely conceived and finely rendered; at other times it is mere ponderous Teutonic horseplay—as when that pompous and ridiculous Silenus, the *Baron Ochs auf Lerchenau*, falls off the sofa upon which he has been stretched by a sword-scratch in his duel with *Octavian*. The libretto, as a whole, is a hodge-podge—a gaily inconsequential mixture of sentiment and farce, satire and horseplay. It is sadly lacking in homogeneity and rectitude, and it is far too long. But it would be a dour soul indeed who could not find pleasure in its wit, its pretty sentiment, its freshness, its cheerful audacity, its hilarious fun. And that is true of the music of Strauss, which, also, has wit, sentiment, and audacity. It is at all points the score of a master. It is superb in its skill, its finish, its resourcefulness, its unflagging virtuosity. It could have proceeded from no other brain and hand but Strauss’s. You listen to the commonplace love-duo of the facilely amorous *Octavian* and his *Sophie* in the second act, and you say, aghast at its futile commonness: Strauss and Strauss alone would have done this; you listen to the lovely trio in the last act, so fragrant and so vivid in its beauty, and you say, entranced: Strauss and Strauss only could have done this. That is typical of the score: on the one hand, passages of sonorous emptiness, labored futility, bald and tormenting triviality;

on the other hand, passages full of humor, passion, gaiety, tenderness, eloquence, and an uncanny gift of musical characterization—the marvelous delineative gift that had already been evidenced in the symphonic poems; at all points a miraculous and inerrant artistry. The score of a master, yes; but not always a masterly score.

The Metropolitan has mounted the opera with prodigal sumptuousness, and has cast it excellently. The *Princess* of Frieda Hempel is delightful in its poise and authority; Margarete Ober makes *Octavian* (the “Rosenkavalier”) a very dashing and magnetic young cavalier indeed; and it is not easy to imagine a more winsome and arch and naïve and wholly charming *Sophie* than Anna Case. As for the delicious *Baron Ochs* of Otto Goritz, that is an achievement of very nearly flawless art. Mr. Hertz—always a prodigy of fervor and devotion—conducted the work with affectionate care, great skill, and undaunted enthusiasm.

It is not always possible for us in America to receive with a grateful heart the products of the British stage; but we who are living through the current dramatic season in New York can hardly fail to be truly thankful for at least two such importations. For one thing, we have encountered Mr. Cyril Maude; and, for another thing, we have encountered that most delightful of all myths, “General John Regan.”

It is good to see a comedian who is not only technically adroit, but who has an abundant and creative sense of character. The American stage is richly supplied with comedians whose technique is ample for the sort of rôles with which they have elected to identify themselves, but who either cannot or will not occupy themselves with more than a single type of part. It is an old complaint, and the apparition of Mr. Maude on the historic stage of Wallack’s gives point to it. Mr. Maude has been seen here (not counting his fragmentary impersonation in W. W. Jacobs’s curtain-raiser, “The Ghost of Jerry Bundler”) in three parts, as dissimilar as they could well be. His lovable, ineffectual, tender-hearted, self-sacrificing, modestly heroic *Captain Christopher Bingham*, in Marshall’s creakingly antiquated play, “The Second in Command” (surely one of the worst plays still enduring in the theater), is as utterly different from his rapaciously amatory and invincibly cheerful old sea dog, *Captain James Barley* in “Beauty and the Barge,” as they

are both different from that irascible virtuoso of detection whom he shows you in "Grumpy." Each is a portrait of complete veracity and extraordinary saliency, and they have no traits in common. You are at a loss to say which is the part most congenial to Mr. Maude, and most characteristic of him—in fact, you do not think of or remember Mr. Cyril Maude, versatile and expert comedian, at all; you think of and remember the unfortunate and lovable *Major Bingham*, the delightfully irritable *Grumpy*, the irresistible philanderer of the "Heart and Hand," with his unwearying pursuit of Beauty and his persuasive apology therefore: "affability, that's what it is with me—not harm: too much affability."

As for "General John Regan," it is a difficult matter to speak with moderation of Canon Hannay's delicious comedy; nor is it necessary, for the play has been made widely known, and those who have not savored in the theater its conquering humor,—that is both mellow and caustic,—its graphic and racy portraiture, and the rich flavor of its satire, have had opportunity to enjoy them in print. Yet the play lives completely, of course, only on the stage, and it should be seen at the Hudson Theater by all those who care for the finer sort of comedy. There they will witness a production of this delectable little play that could not easily be bettered, with Arnold Daly as the unterrified *O'Grady*,—imperturbable, unctuous, dazzlingly resourceful,—and with the other parts superlatively well done. A memorable comedy, a memorable performance!

It was not at all surprising that the citizens of Delhi, Iowa, should have looked askance at Inez de Pierrefond when she came among them as the fiancée of John Hemingway, bringing with her a trunkful of very thin, very clinging, very modish Paris gowns, a decided foreign accent, a cosmopolitan ease of manner, and certain theories and convictions regarding what Delhi spoke of, in horrified accents, as "free love." For Delhi soon found out that Inez purposed to live with John without going through the legal and ecclesiastical formalities that are usual in Delhi and elsewhere as a preliminary to that step. Inez, it will be seen, was a person holding views that Delhi called "not quite nice," and which even less Puritanical and circumscribed communities might have called "advanced." The moral censors of

Delhi did not discover until later—not, in fact, until Inez, in a proud and contemptuous and scathing outburst, told them so herself—that she believed it possible for a man and woman to live together, with honor and mutual respect, even though no clergyman, judge, magistrate, or alderman had spoken a few set words in their presence. For Inez, having already suffered through an unfortunate marriage with a brute, entertains the not wholly original belief that more sins are committed in marriage than out of it, and she will not again bind herself to any man, even the one whom she deeply loves and respects. How she finally comes to see that it will be nobler and less selfish to yield her convictions, and how fine an act of self-sacrifice she eventually performs, is very touchingly and beautifully indicated in Mr. William Hurlburt's admirable play, "The Strange Woman," at the Gaiety Theater—a play rich in truthful observation, pungent (though sometimes clumsily contrived) humor, telling wit, and apt characterization; a play in which the dramatist has written, for the most part, "with his eye on the object": a play that is based upon a true, courageous, and harmonious perception of life and human nature.

The part of *Inez de Pierrefond* is taken by Miss Elsie Ferguson, and we do not find it easy to describe her performance in terms that will seem less than extravagant. But when an actress with the intelligence, the adroitness, the personal loveliness, and the extraordinary and sovereign charm of Miss Ferguson achieves a rôle to which she is ideally suited, and which she graces with innumerable touches of imaginative sympathy and delicately heedful art, there is little for the responsive observer to do but indulge in what a great poet who was also a very bad critic called "the noble pleasure of praising."

LAWRENCE GILMAN.

THE BOOK OF THE MONTH¹

BY F. M. COLBY

A DOZEN years ago or so, M. Guesde, then, as now, the leader of the French orthodox Socialists, remarked, apropos of M. Millerand's entrance into the French Cabinet, that while "Socialists formerly showed their devotion by dying at the barricades, now they are devoted up to the point of accepting a portfolio." On the other hand, M. Millerand was praised by the unorthodox for "jumping into the breach." It was plain even then that pure Socialist theory had been terribly ravaged by common sense. Everywhere Socialists were compromising with earthly means under the temptation of opportunity, and Marxism was no longer unspotted by the world. Even in Germany professed believers were at least on speaking terms with the "vampire that sucks the blood of the workingman." Socialism, in fact, had long since become a mere mundane business. As to the holding of office, M. Guesde was quite right. It was absurd that a man should try to take his Marxism with him into office, for the chances were ten to one that as an officeholder he would soon cease to yearn for the "revolution" which as a Marxist it was his duty to do. Yearning for one's own overthrow is uphill work.

It has been plain even to the casual observer during the past twenty years that any man who wanted to keep his Marxism pure ought to have gone away and lived alone with it. Very few Socialists have done this, and the result is that there is hardly any pure Marxism left in the world to-day. The only pure political party is an asymptotic party—that is to say, one that follows a line of policy which will not meet the affairs of men, how far so ever it be produced, for obviously no other course will escape the corruption of contact.

¹ *Marxism versus Socialism*. By Vladimir C. Simkhovitch, Ph.D. New York: Henry Holt & Co., 1913.

Guesdists, Impossibilists, Young Irrelevants, Malapropists, Inopportunist, whatever the names of those various and comparatively unearthly groups may be, have, no doubt, some high and almost inapplicable purpose, but they are not absolutely asymptotic, and so their Marxism is debased. As to the rank and file of Socialists, they have, according to Professor Simkhovitch, quite fallen away.

The rank and file of the American and German Socialist parties claim to be Marxist, but even they are far less orthodox than they claim to be. They have toned down their Marxian doctrine as they have liberalized their policies. They have refrained from sacrilegiously revising Marx as a whole, but they have piously reinterpreted parts of his teaching—all with much loyalty to the memory of Marx, but with little respect for the intellectual consistency of the doctrine.

This pious reinterpretation is necessary because

The Marxian doctrine, which helped the development of Socialism throughout the world as no other doctrine has, turned into a fetter, a trap, a pitfall from which there seems to be no escape. In the same compelling manner in which Marxism once assured its followers of the inevitability of the cataclysm and social revolution, precisely so does it indicate to-day their impossibility.

I doubt if Professor Simkhovitch's compact and lucid account of the matter will be of much interest to the partisan, for it is not in the least warlike or exciting. It lacks the passionate certitude on the subject of mankind as a whole to which we are accustomed even in light literature. He comes not to slay Marxism or to bury it, but merely to ascertain why it is "that so many of the Socialist thinkers are so arduously revising and reinterpreting their traditional doctrine, while others are grasping for a new one." For close students of contemporary Socialism, it will, I suppose, have little novelty. Its chief value is for those who, though inquisitive, are, like myself, a little lazy and have slept through a good many recent arguments. When summer brings its bitter and regular Socialist contentions and the French Disembodied Socialist is attacking the French Solidified Socialist, and the North German Orthodox is rebuking the South German Heterodox, and the South German Heterodox is answering back, I know at the time that the issue is important, but afterward somehow I am unable to recall the details. For, after all, the chief difficulty about latter-day Socialism is the difficulty of keeping awake. Take even so stirring a personage as Mr. Bernard Shaw.

In a speech described as very remarkable (with a \$500 prize offered for the best answer) occurs this somewhat stertorous language:

If you allow the purchasing power of one class to fall below the level of the vital necessities of subsistence, and at the same time allow the purchasing power of another class to rise considerably above it into the region of luxuries, then you find inevitably that those people with that superfluity determine production to the output of luxuries, while at the same time the necessities that are wanted at the other end cannot be sold, and are therefore not produced.

This led no man toward Socialism and drove no man away. It led him only to some drowsy recollections of John Stuart Mill. Such words can never change the listener's position, but, on the other hand, are apt to settle him almost too comfortably in his present seat. One remains awake so long as Mr. Shaw shows that present society is ridiculous; but the moment he begins to prove that a Shavian society would be less so the eyelids close.

It would be hard to find so clear and impartial a statement of Marxian doctrine as Professor Simkhovitch has compressed into the two opening chapters of his volume. He places the emphasis where it belongs. The Marxian philosophy does not stand or fall with the labor theory of value.

It is quite true that his theory of value is the central theory upon which his economic analysis of the capitalistic system rests—in short, the foundation of his economic doctrine; but this theory plays no rôle whatsoever in his Socialistic doctrine, which purports to be nothing more than a demonstration that Socialism is inevitable.

The essential point in Marx's teaching is the "economic interpretation of history." He held that in every period of history the prevailing mode of production and exchange determined the social structure. It alone explains the past and decides the future.

Freeman and slave, patrician and plebeian, lord and serf, guildmaster and journeyman—in a word, oppressor and oppressed—stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight—a fight that each time ended either in a revolutionary reconstruction of society at large, or in the common ruin of the contending classes.

Feudalism gave way to the régime of the bourgeoisie, and this in turn will give way to the régime of the proletariat.

Modern society, having called into existence unparalleled means of exchange and gigantic means of production, is like the sorcerer who can no

longer cope with the powers of the nether world which his incantations have conjured up.

There was no need of any world-reformer to bring the change about. The revolution was inevitable. At one pole was the concentration of wealth in the hands of a few, and at the other pole was the increasing misery of the great mass of mankind. The absolutely certain result was the "expropriation of the expropriators." History to Marx was merely the record of class struggles. The increase of the general misery, the disappearance of the middle class, the concentration of wealth in the hands of a few, the increasing anarchy of competitive production, the increasing frequency of commercial crises, clearly indicated that the revolution was at hand. Marxism was the philosophy of impending revolution.

In their faith in the approaching *dies irae* Marx and his followers did not differ from the Second Adventists. Nearly every commercial depression since 1850 was heralded by them as the beginning of the end of capitalism. If they did not, like the Millerites, attire themselves in white ascension robes to meet the coming of the Day, it was because their ritual was different. They did notify the proletarians of all lands to "get ready." In 1896 the International Socialist Congress passed the following resolution: "The economic and industrial development is going on with such rapidity that a crisis may occur within a comparatively short time. The Congress, therefore, impresses upon the proletariat of all countries the imperative necessity of learning, as class-conscious citizens, how to administer the business of their respective countries for the common good." Socialist literature, both popular and scientific, has constantly dwelt on the coming collapse of the capitalist mode of production, for which conclusive proofs were always at hand.

The reasons why the Socialists are revising Marxism, or explaining it away, appear from the course of events during the last sixty years. In 1850, on seeing the model of an electric engine in London, Marx, "all flushed and excited," pronounced the economic revolution at hand, and believed the political revolution would soon follow. His rigid historical method led to similar predictions again and again. The impending revolution has been indefinitely postponed. And so with his other predictions—the small farmer has not been extinguished, but, on the contrary, has multiplied, the middle class instead of sinking into the proletariat has increased, the concentration of capital has not proceeded at the expected rate, the conditions of the working classes have improved, class struggles seem on the whole less acute,

and commercial crises are less destructive. Professor Simkhovitch's little volume consists in the main of an orderly and moderate setting forth of these matters. It does not discredit Socialism as a faith, but only as a science.

Marxian Socialism calls itself "scientific Socialism" because of its economic interpretation of history. With the help of this method it claims to unveil to us the real story of the past; with the help of the same method it claims to reveal to us the future.

But the breaking down of the method does not diminish the splendor of the attempt, and Marx was, after all, a prophet in the older sense, a great spiritual leader, an inspirer of men. We have only to contrast him with the social soothsayers of our own time to realize it. Nowadays we have grown almost as used to social prophecy as to advertisements. A wonder-working air and an assurance that human nature will be uprooted in a few years have become a mere form of emphasis. When, for example, they started the People's Palaces in Paris, they declared it the final step in social regeneration. There were to be just three stages in social progress, said the augurs at the time: First, popular universities were to bring about the emancipation of the proletariat; second, the co-operation of ideas was to produce a convergence of efforts; third, People's Palaces were to insure social solidarity. After that was to come the period of bliss—constant, inexpugnable social bliss in equal shares for all. Education, convergence, solidarity, bliss—one, two, three, four—that was all there was to it. From the language of the founders one might have inferred that evil could be got rid of in about three weeks. There is nothing to hinder social prophecy, says Professor Simkhovitch, with exasperating mildness, "but there is also no guarantee of its fulfilment." One does not have to remain long in this battered old world to lay by a large fund of perfect certainty as to its non-fulfilment.

Reformers as a class seem never to understand the danger of over-statement. The reformer and his cause are like those embarrassing engaged couples who will not in the presence of visitors refrain from caresses. He seems to think the only way to advance a cause is to pay it outrageous compliments in public, counting on a degree of softness in the heads of the beholders that really is not to be found. Good, sensible little plans for a People's Palace, or an eight-hour law, or co-operative consumption, or uni-

versity extension, or more comfortable clothes for women, never begin as mere good little plans. They begin as the dawns of new eras. Born and bred to this hyperbolic custom, with regeneration always in the wind, we have no difficulty in keeping our expectations completely under control. The Marxian prophetic example may have been bad for these lesser breeds of the present day, but of one thing we may be certain: If he were living to-day he would not by any chance be a Marxist, for in that case he would not be bearing the same intellectual ratio to the men and things of his time.

As to the part Marx really plays in present Socialism Professor Simkhovitch has this to say in the concluding pages of his book:

Now that the Socialist parties have become in reality reform parties, they may become even tamer than they are to-day; but why should they give up the old phrases? Talk about the "social revolution" may sound fantastic, in view of the existing economic conditions and tendencies, but it is more than talk. The inevitable cataclysm and social revolution have a mystical quality, and hence they are assets. A social movement that is quite sensible, quite reasonable, is the wildest of all utopias. Such a movement can no more keep alive without faith than faith can keep alive without miracles, wrought or prophesied. The social revolution that is to come has all the essential characteristics of the standard miracle: it is to be sudden, and it is to be final. What element of the miraculous would there be in a slow but steady convalescence? And how unsatisfactory a miraculous cure would be if it had to be repeated! Social reform cannot arouse the passionate ardor that is kindled by the apocalyptic vision of the social cataclysm. The road to social reform is flat and dusty; the journey along it is hard and dull. It is a wise instinct, therefore, that moves the Socialists who have become social reformers to cling to the earlier vision and intone, as of old, their imprecatory psalms. But the contrast between their policies and their theories, between what they do and what they say, tempts one to say to them, inverting the Biblical quotation: "The hands are the hands of Jacob, but the voice is the voice of Esau."

F. M. COLBY.

NEW BOOKS REVIEWED

THE THEORY OF SOCIAL REVOLUTIONS. By BROOKS ADAMS. New York: The Macmillan Company, 1913.

Human intelligence hardly seems as yet to have reached such a degree of development as to make feasible the practical application of those abstract principles, such as they are, which may be drawn from history. Nations, it has been observed, have their periods of rise and decline; in art, supreme achievement is followed by decadence; in each era and in every form of activity similar causes are found at work producing similar effects with a kind of fatal regularity. Such, at least, is likely to be the view of the philosopher of history—often rather a grim prophet, who gives a dry and not too hopeful interpretation of the writing on the wall. Viewing progress as an affair of repeated phases, of actions and reactions, of ups and downs, he holds out little hope that philosophy will ever be able to make the human race march in a level line. He merely plots the curve of social tendencies.

It is the rise and conjectural fall of the capitalist class which Mr. Adams endeavors after a fashion to map out. This class, he believes, shows phenomena analogous to those exhibited in the past by other dominant classes. The inflexibility of the capitalists and their alleged assertion of superiority to the law are not, it would seem, fundamentally different from the attitude of the French aristocrats at the time of the Revolution. Not that we are likely to have in this country an immediate or violent overthrow of the established order. Nor are the capitalists themselves, in Mr. Adams's view, other than conscientious men. It is simply that as the dominant class they have reached, or are reaching, the summit beyond which lies the declining slope—a slope that may be gradual or abrupt. "Why," Mr. Adams inquires, "should a type of mind which has developed the highest prescience when advancing along the curve which has led it to ascendancy be stricken with fatuity when the summit of the curve is passed and when a miscalculation touching the velocity of the descent must be destruction?" The question, he thinks, admits of no definite, conclusive answer, though perhaps we may satisfy ourselves with the explanation that the mind of the ruling class becomes in time too highly specialized to permit of easy adaptation to new conditions.

In America, the trend toward social revolution has gone on subject to two principal influences: the rapid change in material conditions that has taken place during the last two centuries, and the peculiar American legal system. It is with the latter of these two factions that Mr. Adams is chiefly concerned. Elaborately, by parable and precedent, he seeks to show that a profound error was committed by the founders of the Republic when they

set up courts, vested with the power of interpreting a written constitution, to act as a "barrier to the encroachments and oppressions of the representative body." Now history, as Mr. Adams interprets it, seems to show that courts are debarred by their very nature from effectively performing any such function, and that in their attempt to do so they have always tended both to undermine order and to immolate themselves. Moreover, in this country, the courts, under the pressure of industrial developments and through the extension of the doctrine of "Police Power" have taken upon themselves more and more the character of legislative chambers, as indicated by expressions of judicial opinion from the early decisions of Marshall down to the celebrated "rule of reason." Nowadays, Mr. Adams avers, "whether it be the regulation of rates and prices, of hours of labor, of the height of buildings, of municipal distribution of charity, of flooding a cranberry bog, or of prescribing to sleeping-car porters duties regarding the lowering of upper berths—in questions great and small—the courts vote upon the reasonableness of the use of the Police Power, like any old-fashioned town meeting." Thus, with us, the courts are placed just where the strain is greatest, while in England and in France there is no class jealousy touching the control of the judiciary.

Mr. Adams's book aims at the widest possible generalization. In reading it we feel that in large part we are reabsorbing ideas that we have already assimilated, but in a new order and in a new context. The treatise has the eminent merit of presenting its thesis philosophically, with no connotation of politics or of special doctrine—least of all does Mr. Adams believe in the judicial recall—and the author's thoroughness and largeness of view can hardly fail to promote clearness of thought on the subject with which he deals. Yet we should be slow to admit that he has proved his point conclusively; and such disquisitions leave us with the feeling that, whatever the prophets say, we must struggle on, in the future as in the past, through experiment, compromise, and faith.

HERE ARE LADIES. By JAMES STEPHENS. New York: The Macmillan Company, 1913.

This gallimaufry of Mr. Stephens's is never less than enlivening and sometimes it is pure joy. For sheer delight in elaborate, fanciful nonsense nothing could exceed the twelve discourses of the "Old Man" in that section of the book which is entitled "There is a Tavern in the Town." These should be read as they seem to have been written, at a gallop, and they may be so read without loss, for despite their overflowing garrulity, their fantasy, and their verbal acrobatics, they are as clear and coherent as the Declaration of Independence. The only literary personage who occurs to one as really akin to the Old Man in vitality and ingenuity is the White Knight in *Alice Through the Looking Glass*, though the Knight was gently melancholy, while the Old Man is unquenchably cheerful. In the latter, there is, moreover, a pleasant human touch of "My Grandfather Squeers."

Throughout the book Mr. Stephens's style gives us in profusion the quick, bright realizations of poetry as well as of wit. Obviously it is ungrateful to find fault with a performance which adds, as this does, no little to human gaiety; but it may be permissible to inquire whether the

whimsical spirit as an expression of mood and literary facility does not in some instances become a trifle frantic. The care-free and youthful spirit is a fine thing in its way. We can all agree with the dictum that "a young dog is a piece of early morning disguised in an earthly fell," and the man who can resist his contagion is as bad as Mr. Stephens says he is. But when sorrowful, or angry, or bored, or otherwise tragic men or women are the subjects, Mr. Stephens's manner seems a trifle too cavalier. The man who happens to detest his mother or his wife is not an altogether entertaining part of the human spectacle; and while we need not insist that all art be either conscientiously realistic or else ideal, it seems right to ask that what is fanciful shall not be painful and that serious things be treated in the sober spirit of real life. Possibly the sad folk do not seem very real to Mr. Stephens, the only real things being the joyous things; yet it strikes us a bit unwholesome to be playing with the pathos and humor of men's lives, as if human beings were quite unmoral and unreasoning; nor does it make all seem right to reflect that we may at any time turn away from human mistakes and miseries to look at the stars and the flowers. In all this there is something of that tendency to romantic unrestraint and to glorification of the unmoral which is not the healthiest way of reacting to the material and ethical severities of life. Escape into whimsical nonsense and pleasant fantasy is good; but a confusion of values must always be bad.

THE ASSURANCE OF IMMORTALITY. By HARRY EMERSON FOSDICK. New York: The Macmillan Company, 1913.

The value of Mr. Fosdick's book lies, first, in his clear comprehension of the common state of mind regarding the possibility of survival, and next in his power of lucidly and suggestively setting forth the simplest and most permanent grounds of belief. He begins by pruning away misapprehensions, and when he comes to a statement of what little can be said with assurance, that little proves far more convincing than we might have anticipated.

Science, he points out, has shattered old forms of faith, and with admirable but mistaken courage men, by minimizing the importance of personal survival, have adapted themselves to the new intellectual conditions. It is sometimes hard nowadays to make people feel the significance of immortality. Mr. Fosdick does not believe that morality and civilization hinge upon this one doctrine, but he does show that the denial of future life leaves human existence rather bare and motiveless. All forms of merely imaginative or metaphorical survival—such as survival in the grateful memory of the living—are to him as nothing. Nor does the doctrine that human goodness is treasured up in the being of God content him. "A man's goodness," he argues, "is as inalienably his possession as greenness is the possession of a tree, and only when greenness can persist after the tree is gone can righteousness, abstracted from the personality whose function it is, fly unattached to be assimilated by another." Moreover, that virtue is its own reward cannot be maintained in those cases in which men sacrifice their lives for conscience' sake; for he who is annihilated in an instant receives no reward at all. And even "character" is a

comparatively meaningless term unless character has an opportunity for endless effort toward perfection.

Most people of an agnostic or pessimistic turn of mind approach the question of the possibility of survival from the wrong direction. They are afraid to believe in the spiritual and rational order of the universe, in the hope of individual survival. If it cannot be proved with mathematical certitude that the soul can exist without the body, every one at least should know that it cannot be disproved; and when it comes to a question of conceivability, it is far easier to regard the body as the instrument of the spirit than to explain the spirit as a product of the body. Science itself rests upon a foundation of faith—it takes the reasonableness of the universe within the scientific province for granted. If philosophy be allowed to carry the principle of reasonableness a step further, she will surely conclude that annihilation of personality is an impossible anomaly.

Mr. Fosdick has nothing new to present, nor does he deal in metaphysical speculations; but his book, with its straightforward appeal to the average point of view, will perhaps accomplish more than those of a more hair-splitting kind.

A CHANGED MAN. By THOMAS HARDY. New York: Harper & Brothers, 1913.

Those stories of actual experience which are treasured in the quieter communities, where people have leisure to observe individual lives and to reflect upon them—those tales which are treasured and retold because of a certain poignancy and a feeling of truth that inheres in them—nearly always contain an element of what may be called probable improbability. We do not say of them, "This inevitably would occur," although we may be able to see with peculiar clearness how naturally it all did take place: rather we say, "This, though strange enough, is the sort of thing that is always happening; it is somehow characteristic of life." And in the tales by Thomas Hardy published in the volume called *A Changed Man*, one feels the same poignancy, the same conviction of truth inhering in an exceptional train of events, as in the true story that hits home.

Every crisis, every transition or change of mood, in these tales touches some nerve in us that has vibrated before, to the strain of waiting, perhaps, or to the tingle of a hope that is half repressed, or to that curious sort of surprise a man may feel when he confesses a wrong or makes a significant discovery and feels no immediate effect—yet presently he is aware of a subtle but great change in his relation to the rest of the world. Moreover, each story as a whole resembles what is most significant in life, in that it makes us conscious of helplessness to foretell the outcome; yet after the event comes the thought, "From the beginning I knew it must be so."

Much has been written of Thomas Hardy's art and of the purposive building of his tales. Not to speak of architectural symmetry, what most strikes the reader who is critically disposed, in this new book of tales, is the fact that their unity is structural; that it is not—as so often is the case in modern fiction—a mere unity of mood. Needless to say, Hardy's mode of thought has never had anything in common with that which assumes that

it matters not how life be falsified, so long as the writer succeeds in being whimsical throughout, or melancholy throughout, or merry, or moralistic, or what not. He has never been content with the unity that is conferred by mere atmosphere or by obsession with a certain type of character. The unity of his tales is the unity of imaginative truth: and imaginative truth, like particular truth (which is not mere exactness), speaks for itself. One man tells a true story, and we keep doubting and testing his assertions. Another tells a tale, no truer—less probable, it may be—and we believe and are impressed. So it is with all that Hardy has written; his words have the accent of truth.

Further, it needs to be said only that the tales in *A Changed Man* are so characteristically Hardy as almost to raise the question whether the three or four part story is not for him a more effective and natural form of expression even than the longer and more elaborate novel. In them one sees sooner than in a novel the shape and direction of the narrative. Color and picturesqueness are concentrated, as they are when an artist puts forth all his thought and skill upon a small canvas. So that, after reading *A Changed Man* one will find that never before has one felt the Wessex Country to be so real. The stories exemplify Hardy's varied power. "The Romantic Adventures of a Milkmaid" is a unique study—a fairy tale from the milkmaid's point of view, and as such delicately charming, but from the reader's point of view a convincing bit of life as well. Hardy in just this mood is rare. Similar, but with a difference, is "What the Shepherd Saw," which, making use of moonlight trysts, picturesque backgrounds, and the effect of haunting mystery that belongs to an old tale, transforms what might have been an old-fashioned drama of jealousy into a convincing semblance of life. "Alicia's Diary" rivals Meredith's "Claire's Diary" for pathos. "A Tryst in an Ancient Earthwork" is a curious but well-attuned blending of amusing irony and impressive description. And so one might go on. Each story has some distinctive trait; none has the least suggestion of self-imitation—the effort to do again what was done successfully before. And all are typically Hardy.

LETTERS TO THE EDITOR

SCHOOLMA'AM AND SCHOOLMASTER

CONCORD, MASS.

SIR,—After I had written the first part of the following, I read your editorial in the November NORTH AMERICAN, and was delighted to find we had been thinking along the same lines. I hope you will be interested in what I have to say.

I was for twenty years a teacher in New York, of Political Economy and Social Statics, and that, of course, brought a deep interest in politics, or would have done so if I had not been brought up in a family that has cared for such things since our country was settled.

I am a woman of seventy, and remember the elections that were so contested, as we thought at that primitive moment, of Pierce and later of Buchanan, with all its deep meaning. Then came the great election of Lincoln that brought us face to face with issues of death and life to our country. Then the second election, when our hearts were heavy with anxiety. The next great moment was when Cleveland stood for other needed steps forward and for honesty in public life, and we won the day. So I may call myself a Lincoln Republican and a Cleveland Democrat, welcoming good from any man, Democrat or Republican!

And on that basis I make these friendly criticisms of President Wilson.

First, the man himself. Is he disinterested? It is difficult to say what he could be working for now in the way of self-aggrandizement, as he has reached the highest thing in the gift of the American people, but he has the strange quality in his mind, it seems to me, which characterized Gladstone and made so many people doubt his sincerity. There is a twist somewhere, but I don't know its name. He is opinionated, obstinate, and curiously unwilling to consult or take counsel on equal terms.

Sometimes I think the whole key to certain things in his nature is that he has intellectual arrogance, and arrogance of any kind is forbidden fruit to human nature. I think he has the same quality of self-deception that Gladstone had. Of course, the consciousness of being right would lay upon him the imperative necessity to force his measures, and that is really my greatest anxiety concerning him. Now, go back to his governorship of New Jersey; I thoroughly disapproved of his course as regards Senator Martine. He brought all his influence to bear upon the Legislature which was unwilling, and forced it to send him as Senator. In saying this I remember all the details, that he was chosen by the Primaries, but Wilson's conduct blunted the distinction between the legislative and the executive, just as his present course is doing.

I have always been a Tariff Reformer, and must express my hearty satisfaction at the passing of the best Tariff Law since the Walker Bill,

and also my full recognition of Mr. Wilson's wise and determined action. But I think his coercive power strained the limit of the executive prerogative to the vanishing-point. He has brought the same pressure to bear in connection with the Currency Bill, and would have forced it through in its original and crude form but for the organized opposition of the intelligent group whose business it is to understand the difficulties and intricacies of currency legislation.

We cannot afford in a Republic to pass unchallenged this assumption of power, which is, as you know, latent in our Constitution. His open charge or uncontradicted theories of men lobbying against his measures, and unwillingness, until really beaten, to allow consideration of the opinions of bankers whose business it is to understand banking conditions throughout the whole land, whose interest is the interest of the whole community; to ignore those opinions until forced by public opinion to consider them, is unworthy a statesman. The thing I have most against him, however, is his class legislation, certainly inconsistent with true patriotism and true democracy. He is feeling it necessary to excuse himself in connection with his signing the Bill containing the exemption of Labor Unions from the appropriation in connection with the Sherman Act. That was class legislation of the most outrageous character, because, in spite of his disclaimer, the Bill put our Government on record as condoning criminal violence; it made a class apart from the rest of the community. Now, I do not believe this was even a tacit bargain with Gompers, but it showed certainly a great lack of moral delicacy.

Then, I don't believe in his class taxation, discriminating, un-American, and un-republican. The tax should begin at one thousand dollars, and be the same on the extremest income. Under these circumstances it could be small enough to weigh very slightly upon the poorer people like ourselves, and yet each citizen could be made to feel his or her responsibility for lavish expenditure or for waste. As it is, the great body of the electorate thinks itself free from this special tax, the great body of voters, and sees gladly the burden of the support of the Government thrown upon another group which, whatever may have been the way in which some of the fortunes have been made, still consists of the class that has through initiative, enterprise, self-control, and thrift, furnished the capital—the money capital as well as much of the intellectual capital—which has built up this wonderful country. It needs money, just cash, to do this, and some of the work had to be done quickly. I remember especially the building of the first transcontinental railway, and how difficult it was to finance it. There was not money enough to be gotten at, and so the Government made certain concessions of land. But the question to the people of my generation was a pretty tremendous one; it was the keeping the Pacific coast in the Union, and making possible the binding together the country for our War of Emancipation. It is not morally right to put a law on the statute-books that so discriminates and divides.

Now, for Mexico. I think in the beginning he felt right about it, but, as is his way, his right idea has swollen! It would always be a question just where was our right or wisdom of interference. But he has carried it too far. Whatever government exists in a country is in reality by the consent of the governed; and is probably truly repre-

sentative of the average intellectual and moral condition. Mexico is undoubtedly a country with disorganized and mutinous forces that can be best governed despotically by one of their own people, and the idea of a republic is probably purely imitative. It will be only out of conditions of increasing order, or with time to breathe, that solidity will come. I think Wilson's attitude of dictating what kind of an election, with what kind of result, is again in defiance of the democratic ideal, and is calculated to bring uneasiness in other southern communities.

It seems inexplicable on any basis that he should have chosen a comparatively unknown man who speaks no Spanish and knows nothing about Spanish-American traditions, instead of seeking carefully for a man with real intellectual prestige, familiar with language and civilization, who would have been accepted by the whole world, including Mexico, as a man with whom to take counsel. This question, the most delicate that has come up in our day, he has intrusted to the average man chosen, as they say, because he was one of the great Bryan's henchmen. I don't see what blessing could have come from such inexperience.

As for the blows Wilson has dealt Civil Service Reform, all that is full of overwhelming surprise. There isn't a spoilsman throughout the country that doesn't feel encouraged. My only and my last hope here is that, when he has settled what he might consider more pressing things—he being what he calls himself, a “one-track mind”—he will take the whole Civil Service and give it the reconstruction from top to bottom which it has needed ever since our Civil War. Positions have been covered without examination, inefficients have been retained, veterans have crippled, spoilsmen have nibbled or taken bites, until the whole organization needs purification; but it must be done by some one who is a devoted advocate of the Merit System, who can be trusted to be without partisanship and without fear. Now, the chances are pretty even in my mind as to whether he is the man who can do it with judgment and balance, though he *may* be the man.

November 20th. Is there any theory as to who are the men with whom Wilson takes real counsel? Are they men who have shown the nation that they have experience, wisdom, balance, real knowledge of existing national and world conditions? In the past has it been the President's wont to seek advice from men of strong character and practical experience? If so, how can one account for the inexperience and second-rate qualities of the men whom he chooses as his associates and representatives? I suppose one must feel that, never mind how high and disinterested the motives and theories of the President of the United States, in moments of such delicacy as the Mexican situation the success in large part depends upon the quality of men he selects as his representatives. Now, it occurred to me yesterday, in quite a clear way, that the fact of Wilson being an educated man himself has confused our theory of his characteristics. Is it that he really, perhaps unknown to himself, has spun back to one of the ideals of the French Revolution, the equal power of all men to deal well with complex situations, believing that the average man picked up at the street-corner has in him as much ability to judge questions as the specialist who may have devoted an entire life to the consideration of the matter? That on every subject dealing with political economy, so subtle and far-reaching, the average man is as skilled as the man who has trained himself to judge such matters; that the aver-

age man can understand the intricacies of Banking, of Currency Bills, of Taxation, as well as the man whose life has been spent in the practical consideration of these things? Does he believe the average man, with good intentions, is really the fitting representative of our civilization when we are called upon to arrange delicate treaties and understandings that concern great nations such as Russia, with the complicated race persecution and trade relations?

Again, are men of the Bryan type congenial to him, and is his theory that he finds in men like Bryan, and those whom he allows Bryan to select, the true type of the national consciousness which is to be allowed its full and public expression? That the majority is now, at last, to have its full representation through the choice of our President of the instruments with which he works?

Of course, we have begun to see only too clearly that Primaries, Conventions, Elections have filled our offices with the average man, who receives his training as he "goes along," and learns his experience at the expense of a high standard in public life and with the wasteful misusing of the taxpayer's money. Our better instruments have been largely the men chosen or appointed, as a sort of filtration of representation, to Commissions, on Boards, or to the Bench. Now, Wilson's theory is to discriminate against the expert, to appoint the same sort of man as that chosen by the electorate. The people of my generation realize, for we have seen so much change of opinion during the past sixty years, that now, and only now, for the first time, is the democratic idea so thoroughly expressed in the French Revolution, appearing as the recognized method of governmental selection.

L. M. PERKINS.

"INTENSIVE" FARMING.

JACKSONVILLE, TEXAS.

SIR,—In a letter in your November issue, a writer signing herself Catherine M. Tainst, describes the suffering and disappointment of the poor homesteaders in the cold Northwest and pertinently asks what we are going to do about this question of helping our citizens to acquire a home of their own. There is no question that this is the most important subject to be considered by the thinking public to-day.

The conditions your correspondent speaks of have been brought about more by ignorance than anything else, and if we are to accomplish any permanent good in this quarter we must strike at the root of this trouble.

First, we must all realize that farming is a science or rather a collection of applied sciences, and that even though one should devote all his life to the study of the subject there is a vast amount of knowledge for him to learn. And after learning the secrets of soil chemistry, plant breeding, and stock raising, the modern farmer without a ready market, easy of access both for buying supplies and selling his products, finds himself under a handicap sufficiently strong to neutralize all his success in the production departments. This question of markets is the one which caused the failure of these Western homesteaders, for who without capital to operate upon and situated nineteen miles from market could expect to succeed?

Now in Texas we are meeting this question by urging "intensive" rather

than extensive methods of farming, and we have thousands of prosperous families, owners of their homes and making \$1,000 or more cash every year from farms of ten to forty acres.

Our Boys' Corn Clubs and Girls' Tomato Clubs are doing a great work, one county alone having an enrolment of sixteen hundred boys under eighteen years of age who are studying all the latest methods of corn production, and this year a fifteen-year-old boy has taken the first prize Silver Trophy Cup at the Dallas State Fair for a yield of one hundred and thirty-six bushels of corn per acre.

Of course we have no free home to offer, because our best land in East Texas has all been taken up. But many large landowners sell small tracts to people who mean business without any payment down, and frequently one crop of fruit or truck pays for the land. Our Social Center movement is intended to help draw communities closer together, and by using the district schoolhouses as centers, the grown people are enabled to learn as well as the children—not only the literary branches, but all the sciences which are of so much value to development. These furnish as well a forum for debate on public questions, and we are getting results right here at home.

Sincerely,

A. S. WHITTEN.

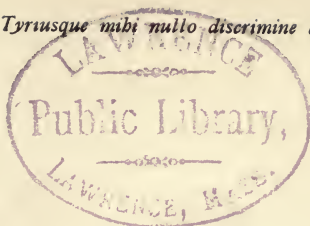
“THE CRISIS IN CONSTITUTIONALISM”: A REPLY.

ATHENS, OHIO.

SIR,—The article by ex-Ambassador David Jayne Hill on the “Crisis in Constitutionalism” is as able a presentation of the case from the conservative point of view as could be written. But it seems to me a mistaken assumption to take for granted that at some particular period of a people's history a number of men can formulate a series of political principles or set up a code of morals with such far-seeing prescience that it will stand for all time. The Constitution of the United States was adopted by a relatively small proportion of the voters entitled to the franchise. It was, no doubt, the best they could do at the time. Yet the document embodies a number of compromises. What is an inalienable right? Was not the right of the people of the South to their slaves as nearly inalienable as any right could be? If many of them forfeited this right by engaging in rebellion, why were those persons deprived of them who remained loyal to the Union? Many of the estates of Great Britain are held under grants made by a sovereign centuries ago when the property of the Church was confiscated. Strictly speaking, permanent possession was not guaranteed by the English Constitution because there is no such document; but precedent has the same force. Which is the more unjust, that the public should compensate the holders of these estates, if it takes them in whole or in part, at their present value, or take them without compensation on the ground that they were virtually plundered? There will be more or less injustice if either of these alternatives is adopted. It cannot be said that a constitution is hastily changed when the voters have had opportunity to inform themselves on the proposed innovations. While there is some danger that the hasty amendment of a constitution may work injustice, there is no less danger in making amendment unduly difficult. Government has nowhere as yet passed beyond the experimental stage.

CHARLES W. SUPER.

Tros Tyriusque mihi nullo discrimine agetur



NORTH AMERICAN REVIEW

FEBRUARY, 1914

THE DIPLOMATS OF DEMOCRACY

BY THE EDITOR

The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion, rather than service rendered to a political party.—From the Democratic platform adopted at Baltimore in 1912.

My warm advocacy and support both of the principle and of the bona-fide practice of civil-service reform is known to the whole country, and there is no danger that the spoils system will creep in with my approval or connivance.—President Wilson to the National Civil Service Reform League, October 22, 1913.

Speaking to the National Civil Service Reform League at its annual convention on December 13th, Dr. Charles W. Eliot, its President, said:

In general, the cabinet officers, with the exception of the Secretary of State, have seemed to intend to conform to the declaration in their party platform and the well-known opinions of the President; but there have appeared some exceptions to this general policy.

Several of the appointments of obscure men to diplomatic posts have seemed to the public to be made in payment of political debts, but the public attributes these appointments, not to the President, but to the Secretary of State.

We shall deal presently with this singular division of

responsibility as fashioned by the venerable President Emeritus of Harvard University, to whom President Wilson proffered the position of Ambassador to the Court of St. James's.

Meanwhile, what are the facts?

THE MINISTERS TO EUROPE

Of the Ministers Plenipotentiary appointed to European courts by President Wilson a majority at least rank easily as the peers, if not indeed the superiors, of their predecessors.

Mr. Lloyd Bryce performed his duties admirably at The Hague, but the selection of Dr. Henry Van Dyke as his successor was recognized universally as ideal, no less because of his pre-eminent fitness than of the indication afforded of Mr. Wilson's determination to be uninfluenced by past personal resentments in filling public offices.

Mr. Henry S. Boutell was appointed Minister to Switzerland by President Taft for no other reason than that he had lost his place in Congress and wished to continue in the service of his country. The appointment of Mr. Pleasant A. Stovall, the distinguished and cultivated editor of the *Savannah Press*, signified a distinct improvement.

The Belgian post was virtually vacant, President Taft having named Mr. Theodore Marburg in the last days of his administration merely to pay a passing compliment. Mr. Brand Whitlock, whose nomination at this writing awaits confirmation by the Senate, possesses high intelligence, unusual knowledge of public questions, and abundant tact. While lacking the quite exceptional distinction of Mr. Marburg, his welcome and success at the Belgian capital can hardly be doubted.

Mr. Jacob Gould Schurman was so eminently qualified for the post at Athens that his successor, Mr. George Fred Williams, is somewhat overshadowed; and yet, despite his political vagaries and financial heresies, Mr. Williams is a scholar and a gentleman. His appointment again served an excellent purpose in illustrating the President's remarkable facility in forgiving his opponents.

Between Mr. Swenson of Wisconsin and Mr. Schmedeman of Minnesota, the new Minister to Norway, there appears little room for choice.

We are unacquainted with the record or merits of Mr.

Cyrus E. Wood, former Minister to Portugal, but his successor, Colonel Thomas H. Birch, is well known in New Jersey as a gallant and spirited staff officer, who could hardly have failed to absorb a modicum of wisdom while serving as personal aide to the predecessor of Governor Fielder. Although the propriety of making his first official appearance in the uniform of a New Jersey colonel may be questioned by cavilers, the fact that Mr. Birch began somewhat extensive preparations for his diplomatic labors by ordering a quantity of embossed stationery under the misapprehension that the legation at Lisbon is an embassy need not be regarded as prejudicial, in view of his promptness in relieving the Government of the expense incurred through his own inadvertence.

Of all the European Ministers superseded, the only one whose service seemed to call for special consideration was Mr. John B. Jackson, who rose steadily from the position of second secretary at Berlin in 1900 to that of Minister to Rumania in 1911, after having acquitted himself brilliantly in Greece, Bulgaria, Persia, and Cuba. His successor is Mr. Charles J. Vopicka, born in Dolni Hbity and naturalized in Chicago. With this exception, the changes in the ministries of Europe seem to have been warranted by the prevailing custom.

THE OLD AND NEW AMBASSADORS

Can the like be said of the Ambassadorships, the expensive "prizes" within the gift of the President? Invariably, during the past twenty years, Democrats in convention and from the platform have denounced the Republican practice of bestowing these honors upon wealthy individuals in return for substantial campaign contributions. That Mr. Wilson was sincerely desirous of effecting a reform was evidenced immediately upon his inauguration by announcement from the White House of his determination to select "men without wealth, but possessing every other form of qualification." The difficulties attendant upon the putting of this policy into practice, however, became quickly apparent, and, after making a few abortive and in actual effect somewhat unfortunate attempts, the President abandoned the plan and reverted insensibly to the selective methods of his predecessors. The consequence is that, with the single exception of Mr. Walter H. Page, who contrib-

uted only William Bayard Hale and one hundred dollars in cash, all of those appointed are men who at one time or another supplied pecuniary aid to his canvass. In this respect, therefore, there is little room for differentiation between the old enslavement and the new freedom. We advert to it, not by way of criticism, but simply as a matter of fact and as a probably inevitable circumstance. At the very least, Mr. Wilson is entitled to credit, which could not be rightfully accorded to either Mr. Roosevelt or Mr. Taft, for making a commendable, though futile, endeavor to establish a higher and more truly American standard.

The relative merits of the Ambassadors chosen may be summarized briefly. Of Mr. Thomas Nelson Page it may be said without hesitation, as of Dr. Van Dyke, that a more creditable appointment could not have been made. As a litterateur of high repute, a student of international affairs, and a cultivated linguist, he fully realizes the excellent traditions which in former years were generally observed. Despite the long and valuable experience of his predecessor, Mr. O'Brien, it must, we think, be conceded that Mr. Page is the better equipped for the services which devolve upon the American representative in the Eternal City.

So much, unhappily, cannot be said of his fellow-Virginian, Mr. Willard, the new Ambassador to Spain, whose sole qualification is his wealth and whose appointment can only be attributed to his generous donations to the cause. As the successor of Mr. Ide, former Chief Justice and Governor-General of the Philippines, who is fully acquainted with the language and customs of Spain, and a gentleman of modest fortune, Mr. Willard appears as a complete reversal of the President's aspiration. The appointments to Rome and Madrid link themselves naturally together; since, oddly enough, Mr. Page was nominated at the earnest solicitation of the Senators from Virginia in return for their promise to secure confirmation of Mr. Willard, whose selection, being personal to the President, seemed likely to invite opposition.

MR. GERARD AND MR. PENFIELD

Although Mr. Gerard was a liberal contributor to the Democratic campaign fund, his appointment may be safely attributed to political exigencies arising from the strength of Mr. O'Gorman in the Senate at a time when his unquali-

fied co-operation was in a large measure requisite to the success of Administration policies. Although less tactful, perhaps, than his predecessor, Mr. Leishman, and lacking the advantage of the latter's long experience and familiarity with the German language, there can be no question of Mr. Gerard's comparative ability or faithfulness to duty. Already, indeed, according to reports from Berlin, he has won for himself a most enviable position not only at the court of the Kaiser, but in the esteem of the government and of the German people.

The most unseemly foreign appointment made by President Taft was that of Mr. Kerens, the Missouri railway contractor, to be Ambassador to Austria. He had paid handsomely and received his reward, in conformity with Republican practice. The like is true of his successor, Mr. Penfield, who eagerly sought and gleefully obtained "recognition" for his "services" in time of need. From the day on which the proceeds of the quinine monopoly were drawn upon to the extent of fifty thousand dollars in aid of Mr. Bryan's canvass in 1908, there was never a question in any informed mind of the underlying cause of enthusiastic endeavor on the part of the Penfield family in the interest of true Democracy. An embassy was the desideratum, and, after the first fruitless gamble, an embassy was achieved in consideration of funds duly provided at critical moments in response to urgent insistence. Nevertheless, it is but fair to note that Mr. Penfield was vice-consul at London and consul-general in Egypt under Mr. Cleveland, and wears various decorative medals which were conferred upon him from time to time by grateful foreign governments and societies concerned with geographical problems. It is a fortuitous circumstance that, if he can shine at all, he will seem positively luminous against the background afforded by the drowsily opulent Mr. Kerens.

Our new Ambassador to Turkey, Mr. Morgenthau, is less fortunate, with respect to contrast, than Mr. Penfield. His immediate predecessor was Mr. Rockhill, whose unique record must be recalled, as follows:

1884-8—Secretary Peking legation.

1887—Chargé d'affaires at Seoul, Korea.

1888-92—Upon scientific expeditions to Tibet.

1892-4—Chief clerk State Department.

1894-5—Third assistant Secretary of State.

1896-7—First assistant Secretary of State.

1897-9—Minister to Greece, Rumania, and Servia.

1899-1905—Director Bureau of American Republics.

1905-09—Minister to China.

1909-11—Ambassador to Russia.

1911-13—Ambassador to Turkey.

Although not yet sixty years old, Mr. Rockhill when superseded had been in the diplomatic service nearly thirty years and had won ten promotions by demonstration of exceptional capacity, without the aid of political influence of any kind. He is, in brief, the precise type of man whose retention the author of *The State*, writing academically, would have advocated with greatest fervor. Mr. Morgenthau is a prosperous New York business man who loaned money to the Democratic campaign committee.

MR. PINDELL OF PEORIA AS A POET

The appointment of Mr. Pindell, of Peoria, to be Ambassador to Russia, instead of internal-revenue collector of the Third District of Illinois, still awaits confirmation by the Senate, whose hesitancy is said to be due less to considerations of fitness than to a curious lack of frankness concerning the reputed designation of postmasters to act as agents for Mr. Pindell's newspaper. We need not recall the peculiar circumstances which induced the making of this grotesque nomination. The most vivid imagining could add nothing to the limpid explanations adduced by the Secretary of State and the ebullient Senator from Illinois. It is interesting to note, however, that the Russians themselves possess exclusive information to the effect that Mr. Pindell is a poet. They derived this impression from Senator Lewis's laudatory letter which was published in full in the *Novoe Vremya* and reprinted in part in the *St. Petersburg Press*. We quote from correspondence from the Russian capital:

If Mr. Pindell is really a poet then his countrymen here owe him apologies, for none of them seem to be able to quote his verse. They were mildly surprised to read a telegram from Washington a few weeks ago saying that the appointment of the poet Pindell to be American Ambassador in St. Petersburg had been confirmed. Even in Russia it is not usual to offer a high public appointment to a poet who seeks "plenty of enjoyment and the social advantages attached to the position (of Ambassador to the Czar's court), especially for his daughter."

While freely admitting that, despite the seeming disrespect to their government implied in the appointment of an

Ambassador upon the terms outlined by Senator Lewis and Mr. Bryan, Mr. Pindell would be received without prejudice, the Russian ministers, nevertheless, "can scarcely believe that he will come here as Ambassador from the United States."

That, of course, is a polite way of saying that, if Mr. Pindell should appear, his credentials would be accepted and he would be ignored. How could it be otherwise? Russia is a great and proud nation, wholly unaccustomed to playing enforced parts in opera-bouffe performances such as this has come to be. She is, moreover, the only one whose helpful friendship has never failed us, and is now frankly desirous of arranging the terms of a new treaty to our satisfaction and mutual advantage. To send Mr. Pindell to St. Petersburg under the conditions imposed by the Administration, authorizing him to accept the hospitality of the Russian nation while withholding from him any real authority to represent our own, simply to do him honor and to please his little daughter, would be a gross impertinence. We find it difficult to believe that President Wilson will permit the consummation of this absurd travesty. We do not presume to guess even at the reasons which induce his insistence upon the nomination; but we do declare plainly that the failure of Mr. Pindell to relieve the President of obvious embarrassment by demanding the withdrawal of his name betrays a deficiency in mental and moral perceptiveness which leaves no doubt of his unfitness to serve as an Ambassador of the United States to another Power of equal rank, dignity, and national sensitiveness.

MR. REID AND MR. PAGE

Mr. Whitelaw Reid was never regarded as a peer of his illustrious predecessors, from Thomas Pinckney to Mr. Joseph H. Choate, and became the object of no little American criticism in consequence of his quite ostentatious mode of living. Nevertheless, he was a publicist of note, had been a candidate for Vice-President and Ambassador to France, was thoroughly versed in diplomatic and social usages, was unremitting in personal service to his countrymen, and maintained his position with the dignity and tactfulness so highly appreciated by the British people. It is no reflection upon the personal character or professional ability of

his successor, Mr. Walter H. Page, to record the simple fact that he is regarded in London as comparatively commonplace, not so much because of his quieter and more becoming manner of living as of his seeming lack of equipment for the performance of his varied and exacting duties. Although for long a competent editor of magazines, Mr. Page's interests and training had been educational rather than political, and necessarily his knowledge of the affairs most directly concerned in his official work was casual rather than profound. It was but natural, therefore, that at the beginning he should, as in fact he did, make an occasional *faux pas*. Nevertheless, signs are manifest that Mr. Page's sterling qualities and willingness to learn are gradually obliterating the effects of his early indiscretions, and it is unlikely that the President will find it necessary to exercise the privilege, which he reserved in a clause of his formal appointment of the Ambassador, of withdrawing him at any time. Indeed, to do so, despite the understanding, except with Mr. Page's full acquiescence, would seem almost ungracious, since the chief difficulty with which the new Ambassador was obliged to contend was of the President's own making.

The British have come to regard the position of American Ambassador to their court as second only to that of the President himself, and, having in mind their own attitude and the marked attentions which they invariably bestow upon him as distinguished from representatives of other Powers, they naturally like to think that Americans, too, hold the post in like esteem. It is easy, then, to see how the gratification which they felt at the original designation of President Eliot gave way to surprise when the offer was rejected, and how surprise yielded to positive chagrin when Mr. Olney, in turn, made known his declination. They could appreciate President Wilson's desire to pay compliments to distinguished friends, but they could not understand why formal proffers should be made without preliminary inquiries respecting acceptance. The slight interest which remained in the President's third choice, too, was largely dissipated by the fact that he was so wholly unknown that for a time he was confounded with the more easily recognized Ambassador to Rome. In a word, Mr. Page suffered at the outset from the feeling of the English that his final appointment implied little, if any, compliment

to either him or themselves. A precisely similar, though less accentuated, situation maintains to-day in France, where those in authority whose favorable regard is most desirable do not hesitate to voice resentment at the American ambassadorship being tossed back and forth like a shuttlecock for a full year between the President and the chairman of the Democratic National Committee.

Granting, however, as we must, the hapless infelicity of such proceedings, the fact remains that our present ambassadorial representation abroad, taken as a whole, compares favorably with that which it supplanted—an outcome truly noteworthy in view of the dearth of proven capability in the Democratic party and the very slight acquaintance of the President with members who might possess availability.

POLITICAL DEBAUCHERY IN LATIN AMERICA

We come now to the branch of the diplomatic service whose reformation upon a higher plane, initiated by Secretary Hay, and scrupulously safeguarded by Secretary Root and Secretary Knox, with the full approval of Presidents McKinley, Roosevelt, and Taft, reflects the highest credit upon the Republican party—and alas! the scene changes. We refer, of course, to the Latin-American missions, obviously the most delicate and difficult of all in the present state of our relationship to the smaller republics of the Western Hemisphere. It was to the changes in these posts that President Eliot took exception in his report to the Civil Service Reform League. They may be summarized as follows:

Mr. Arthur M. Beaupre was Minister to Cuba. He entered the service in 1897, when he was appointed, after examination, secretary of the legation and consul-general at Guatemala. Subsequently he became secretary of the legation at Bogota, then Minister to Colombia, Minister to Argentina, Minister to the Netherlands, and finally, after fourteen years, Minister to Cuba. His successive promotions were attributed to manifestation of exceptional capacity. His successor is Mr. William E. Gonzales, editor of the *Columbia*, South Carolina, *State*.

Mr. Montgomery Schuyler, Jr., was Minister to Ecuador. He began as second secretary of the legation at St. Petersburg in 1902, and became successively secretary at Bangkok, to the legation in Rumania and Servia, to the embassies

to Tokio and Mexico, and Minister to Ecuador. He is a scholar and a linguist and has never been a partisan. His successor is Mr. Charles S. Hartman of Bozeman, Montana, a free-silver Republican who supported Mr. Bryan in his various campaigns.

Mr. Lewis Einstein was Minister to Costa Rica. Beginning in 1903, he served as third secretary in Paris and in London, second secretary in Constantinople, first secretary in Peking, and as Minister to Costa Rica from July 6, 1911. His successor is Mr. Edward J. Hale, editor of the *Fayetteville, North Carolina, Observer*, who is seventy-four years old.

Mr. William W. Russell was Minister to San Domingo. He had been in the service since 1895, first as secretary at Caracas and at Panama, then as Minister to Colombia, to Venezuela, and finally, from 1910, to San Domingo. His successor is Mr. James M. Sullivan, a New York lawyer who achieved eminence by defending "Bald Jack" Rose in the notorious Becker trial. His cousin is a contractor interested in railway concessions in San Domingo.

Mr. Henry W. Furniss was Minister to Haiti. He is a Harvard graduate who was appointed consul to Bahia, after examination, in 1898, and was promoted to the Haitian mission in 1905. His successor is Mr. Madison R. Smith, a lawyer-editor of Farmington, Missouri, who served one term in Congress.

Mr. H. Percival Dodge was Minister to Panama. Beginning in 1897, he served successively as third, second, and first secretary at Berlin, secretary at Tokio, Minister to Honduras and Salvador, Minister to Morocco, chief of the Division of Latin-American Affairs in the Department, and, since 1911, as Minister to Panama. His successor is Mr. William Jennings Price, a lawyer, of Danville, Kentucky.

Mr. Horace G. Knowles was Minister to Bolivia. Although only fifty years old, he has been consul to Bordeaux and Minister to Rumania, to Bulgaria, to Nicaragua, to San Domingo, and, since 1910, to Bolivia. His successor is Mr. John D. O'Rear, formerly city counsel of Mexico, Missouri.

Mr. James T. DuBois was Minister to Colombia. He had been commercial agent at Aix-la-Chapelle, consul at Callao, consul-general at St. Gall, law clerk of the State Department, and consul-general at Singapore, before being appointed Minister to Colombia in 1911. His successor is Mr.

Thomas T. Austen, a ranch-owner, of Austin, Texas, presumptively not unknown to Assistant-President Edward M. House.

Mr. George T. Weitzel was Minister to Nicaragua. Entering the service, after examination, in 1907, he was appointed successively secretary at Nicaragua and Costa Rica, secretary at Panama, second secretary at Mexico, diplomatic adviser to Admiral Kimball, assistant chief of the Division of Latin-American Affairs, and Minister to Nicaragua. His successor is Mr. Benjamin L. Jefferson, of Steamboat Springs, Colorado, a Bryan elector, otherwise engaged in the practice of medicine.

Mr. Charles D. White was Minister to Honduras. He was graduated from the Universities of Princeton and Berlin and, beginning in 1904, served as secretary at Buenos Aires, to the legation at the Netherlands, at Christiania and Havana before he was appointed Minister to Honduras in 1911. His successor is Mr. John Ewing of the New Orleans *States*, formerly collection teller for a St. Louis bank, and deputy collector of customs at Mobile, Alabama.

Mr. Henry C. Howard was Minister to Peru. He was a judge in Kentucky when appointed two years ago. His successor is Mr. Benton McMillin, the Democratic war-horse of Tennessee, *etate* sixty-eight.

Mr. Robert S. R. Hitt was Minister to Guatemala. He began as third secretary at Paris in 1901 and continued as second secretary at Berlin, first secretary at Rome, first secretary at Berlin, Minister to Panama, Minister to Venezuela, and, from 1910, as Minister to Guatemala. His successor is Rev. William H. Lovell, of Austin, Texas, a Baptist minister aged sixty-three.

The average experience of the former Ministers to these South and Central American republics was fifteen and one-third years, and their average age at the time of their expulsion was forty-seven. All spoke the language of the countries to which they were accredited. The average age of the new Ministers is fifty-four and one-half, five being past sixty; no one of them, we believe, understands Spanish; and none, of course, has had diplomatic experience. In other words, twelve trained and capable representatives, several of whom entered the service under competitive examination and all of whom had long since forsaken partisanship, are superseded by mere party hacks whose ages

clearly disqualify them for continuance in office for sufficient time to equip themselves for proper performance of their duties. A clearer case of partisan political debauchery cannot be imagined.

PRESIDENT WILSON, NOT MR. BRYAN, TO BLAME

President Eliot affixes the blame to Secretary Bryan, whose henchmen, with the possible exception of two neighbors of Assistant-President House in Austin, Texas, comprise the galaxy of incompetents. Another authority upon civil-service reform, a former Vice-President of the League to which Dr. Eliot made his report, disagrees. Writing in *The State*, published in 1898, Woodrow Wilson said:

One of the chief points of interest and importance touching any system of administration is the relation which the ministers of state bear to the Executive. . . . Under our own system the heads of departments are brought together into at least nominal unity by their common subordination to the President. Although they are, as we have seen, rather the colleagues than the servants of the President, his authority is yet always in the last resort final and decisive: the secretaries have had very few powers conferred upon them by Congress in the exercise of which they are not more or less subject to presidential oversight and control. The President is in a very real sense head of the Executive.

Furthermore:

The unfortunate, the demoralizing influences which have been allowed to determine executive appointments since President Jackson's time have affected appointments made subject to the Senate's confirmation hardly less than those made without its co-operation; Senatorial scrutiny has not proved effectual for securing the proper constitution of the public service. Indeed, the "courtesy of the Senate" . . . has frequently threatened to add to *the improper motives of the Executive* the equally improper motives of the Senate.

Again:

The carrying out of those portions of the [Civil Service] Act which relate to the method of choosing public officers is, however, almost entirely subject to the approval of the President. The Constitution vests in him the power of appointment, subject to no limitation except the possible advice and consent of the Senate. Any Act which assumes to prescribe the manner in which the President shall make his choice of public servants must, therefore, be merely advisory. The President may accept its directions or not, as he pleases. *The only force that can hold him to the observance of its principle is the force of public opinion.*

There is no escape from the clear and forceful logic of Mr. Wilson. A President may authorize or request a Secretary of State to submit recommendations, but it is the President himself who makes the appointments and signs the commissions, whose authority is "always in the last resort final and decisive." That Mr. Bryan, apparently abetted for personal reasons by Assistant-President House, has availed himself of the opportunity to discharge peremptorily members of the diplomatic service who had won their places by merit and fidelity and had every moral right to expect that their faithfulness and honest endeavor no less than their developed capacity would be considered, and to put into their places his own personal followers, no one of whom can speak or write any language except his own, is sufficiently obvious. But who accorded him the privilege, if not the President? Moreover, is Dr. Eliot quite fair in impugning the conduct of the Secretary of State? To the best of our information, Mr. Bryan has never espoused the merit system. While not going so far as to declare the right of the victors to the entire spoils, he did not hesitate in 1908 to pledge at least a half to his adherents in the event of success. And only last month his Associate Editor, Mr. Metcalfe, himself a beneficiary, pronounced it "ridiculous to suppose" that President Wilson would not "use the forthcoming canal organization as a means of reciprocating the efforts of those constituents who helped to place him where he is." Surely no charge of false pretense or hypocrisy can lie against Mr. Bryan. He is a true-blue Jacksonian Democrat, avowedly amenable to "the unfortunate, the demoralizing influences which have been allowed to determine executive appointments since President Jackson's time," and has never pretended to be anything else. It was not the Secretary of State who wrote:

"My warm advocacy and support both of the principle and of the bona-fide practice of civil-service reform is known to the whole country, and there is no danger that the spoils system will creep in with my approval or connivance."

It was Woodrow Wilson, President of the United States, who also said:

"The President may accept its [the Service Act's] directions or not, as he pleases. The only force that can hold him

to the observance of its principle is the force of public opinion."

Truer words were never spoken; and we suspect that the force alluded to will be exercised and that its effect will be felt. But why does Woodrow Wilson do such things? How can he? Can anybody tell?

THE PRESIDENT'S MESSAGE

Mr. Hearst says in his many newspapers:

The President's message is written with his usual fine literary skill and persuasive charm of eloquence. It makes many sound suggestions, but it is not a programme for trust regulation and is not intended to be.

It is intended to allay alarm, to encourage "big business" by assuring it that "our object is not to unsettle business or anywhere seriously to break its established courses"; by convincing it that "the antagonism between business and Government is over."

In a word, it seems to us that President Wilson is now unduly scared by the dark clouds which he failed to discern at all six weeks ago.

As usual, we disagree. Some of the President's phrasing might pass for eloquence, but the construction is labored and the style tumid. Witness the opening paragraph:

In my report "on the state of the Union" which I had the privilege of reading to you on the second of December last, I ventured to reserve for discussion at a later date the subject of additional legislation regarding the very difficult and intricate matter of trusts and monopolies. The time now seems opportune to turn to that great question; not only because the currency legislation, which absorbed your attention and the attention of the country in December, is now disposed of, but also because opinion seems to be clearing about us with singular rapidity in this other great field of action. In the matter of the currency it cleared suddenly and very happily after the much-debated act was passed; in respect of the monopolies which have multiplied about us and in regard to the various means by which they have been organized and maintained, it seems to be coming to a clear and all but universal agreement in anticipation of our action, as if by way of preparation, making the way easier to see and easier to set out upon with confidence and without confusion of counsel.

^ If, in 1893 or thereabouts, a student at Princeton had submitted to the Professor of Jurisprudence and Politics and author of *Mere Literature* an essay containing in a single paragraph as many "great"s, "clear"s and "clearing"s, "in respect of"s and "in regard to"s as appear above, he might not have been held up to scorn as "deserving of a very serious reprimand," but he surely would

have gotten off easily with any punishment less severe than that which has come to be known as the Carabaon. Nevertheless, though only an inconstant reader of our most popular daily journals, we can readily comprehend the impression of "persuasive charm" blurred upon Mr. Hearst's literate consciousness by this medley of words.

But it is of substance, rather than of form, that we would speak as candidly as may be. Mr. Hearst hints somewhat brusquely that considerations of political expediency contributed largely to the temperateness of the President's utterance; that, "in a word," he is "now unduly scared by the dark clouds which he failed to discern at all six weeks ago." In all sincerity, after having perused the Message with painstaking vigilance, we gladly confess our inability to descry the slightest basis for this uncomplimentary opinion. Indeed, to our mind, Mr. Wilson appears at his very best in this declaration of purpose. He recognizes fully the pressing need of reassurance with respect to the general attitude of Government toward business; he pledges cooperation and fair consideration in place of pertinacious compulsion; he proclaims a hitherto unsuspected willingness, even a warm desire, to entertain suggestions from any worthy source; he makes no dogmatic and inflexible insistence upon the enactment of a single statute specifically drawn; he maintains complete openness of mind concerning methods and details; *and yet* he deviates not one hair's-breadth from his fixed determination, avowed long ago, to write certain essential requirements into the law of the land. He may, quite likely does, as Mr. Hearst suggests, discern more clouds now than he beheld when taking a mere casual glance at the firmament some weeks ago; but, seeing them, he proceeds forthwith to have at them with vigor, to the end that untoward consequences may not ensue, to the prevention of a full and fair test of the new dispensation. That is what we hoped for. It is shrewd politics, to be sure, as even Mr. Hearst tacitly admits; and why not? Has the Democratic party come into power only to play the traditional fool? But it is more and better than shrewd politics; it is true statesmanship, strong, broad, and wise, and *certain to be effective because it gathers behind it instantaneously the irresistible force of public approval.*

We may be less sanguine than the President that "the antagonism between business and Government is over"

already; we may question whether the two are now fully "ready to meet each other half-way in a common effort to square business methods with both public opinion and the law"; but we do declare unhesitatingly that the moment it shall be clearly demonstrated that the object of Government is in fact "*not* to unsettle business or anywhere seriously to break its established courses athwart," and that what must be done shall be done "in thoughtful moderation, without revolution of any untoward kind," the wretched antagonism which has subsisted so long and so disastrously *will* be over for years to come. Therein lies the hope of the Nation no less than the disgust of the greedy and the dismay of the demagogue.

Clearly the country has accorded a hearty welcome to the President's proposals. It would be sheer waste of time, however, to attempt intelligent discussion until they shall be duly formulated into explicit statutes. May that important task be performed by Mr. Clayton and his associates with the greatest speed consistent with the exercise of utmost carefulness, should be the wish of all good citizens and most particularly of all Democrats, good and bad, who have in mind the possibilities attendant upon the forthcoming Congressional elections.

Meanwhile (if we may be permitted): Sincere compliments to the President upon his courageous repudiation of the pusillanimous rest-cure recommended by his only Vice from the banks of the river Eel!

HETCH HETCHY, AGAIN

THE announced proposal of Senator John D. Works to reopen the Hetch Hetchy case with a view to repealing the national grant of water and power rights to San Francisco should and probably will receive scant consideration from Congress. The President set forth succinctly the reasons for this legislation when he withstood the heavy pressure brought to bear upon him by thousands of well-intentioned but ill-informed persons and courageously approved a practical measure of great benefit to the people, without regard to political considerations. He wrote as follows:

I have signed this bill because it seemed to serve the pressing public needs of the region concerned better than they could be served in any other way, and yet did not impair the usefulness or materially detract from the beauty of the public domain.

The bill was opposed by so many public-spirited men, thoughtful of the interests of the people and of fine conscience in every matter of public concern, that I have naturally sought to scrutinize it very closely. I take the liberty of thinking that their fears and objections were not well founded. I believe the bill to be, on the whole, in the public interest, and I am the less uncertain in that judgment because I find it concurred in by men whose best energies have been devoted to conservation and the safeguarding of the people's interests, and many of whom have, besides, had a long experience in the public service, which has made them circumspect in forming an opinion upon such matters.

He thereby, declared the Chicago *Inter-Ocean*, voicing the judgment of a large section of the newspaper press, "disappointed thousands of his admirers who believed he would have the insight and courage to stop what has openly been called the most stupendous graft that has ever been authorized by any Legislature, state or national." This statement undoubtedly is correct, but the reason why those thousands were disappointed is to be found in the fact that, unlike the President, they had not scrutinized the bill closely enough to be able to pass intelligently upon its merits. A careful perusal of the House reports and the Senate debates upon the subject cannot fail to convince any sensible and fair mind of the wisdom and propriety of his action. It is not, indeed, too much to say that a veto would have involved disregard of official obligation in the interest of personal popularity.

Seldom has a project of such magnitude been so grossly misrepresented. Probably a majority of the people still believe that a great portion of the Yosemite National Park is to be despoiled wantonly for the undue commercial advantage of a single city. The facts are that the Hetch Hetchy Valley is in the Sierra Nevada mountain range, thirty miles north of and wholly separated from the Yosemite; that it is now so nearly inaccessible that less than fifty persons visited it last summer; that of the 719,622 acres comprising the entire park, only 1,330 acres are to be flooded; that of this insignificant portion San Francisco already owns nearly 700 acres; that in exchange for the remainder the city transfers to the national government a larger area of land which it owns within the boundaries of the park; and that the creation of a great lake will not only enhance rather than impair the beauties of the region, but will open up to tourists and campers an enormous territory which is now unavailable for sight-seeing and recreation.

There is no spoliation whatever; only a fair exchange which is "no robbery," in order that the resources provided by Nature may be utilized for the actual and pressing needs of a community which already comprises 750,000 souls and whose growth and development, because of the alternate seasons of drought and plenty in California, are peculiarly dependent upon an adequate supply of pure water. This is true conservation in the view of common sense no less than in the expert judgment of Mr. Gifford Pinchot, who testified as follows:

We come now face to face with the perfectly clear question of what is the best use to which this water that flows out of the Sierras can be put. As we all know, there is no use of water that is higher than the domestic use. Then, if there is, as the engineers tell us, no other source of supply that is anything like so reasonably available as this one, if this is the best and within reasonable limits of cost, the only means of supplying San Francisco with water, we come straight to the question of whether the advantage of leaving this valley in a state of nature is greater than the advantage of using it for the benefit of the city of San Francisco.

Now, the fundamental principle of the whole conservation policy is that of use—to take every part of the land and its resources and put it to that use in which it will best serve the most people—and I think there can be no question at all but that in this case we have an instance in which all weighty considerations demand the passage of the bill. . . . The construction of roads, trails, and telephone systems which will follow the passage of this bill will be a very important help in the park and forest reserve. The national forest telephone system and the roads and trails to which this bill will lead will form an important additional help in fighting fire in the forest reserves. As has already been set forth by the two Secretaries, the presence of these additional means of communication will mean that the national forest and the national park will be visited by very large numbers of people who cannot visit them now. I think that the men who assert that it is better to leave a piece of natural scenery in its natural condition have rather the better of the argument, and I believe that if we had nothing else to consider than the delight of the few men and women who would yearly go into the Hetch Hetchy Valley, then it should be left in its natural condition. But the considerations on the other side of the question, to my mind, are simply overwhelming, and so much so that I have never been able to see that there was any reasonable argument against the use of this water-supply by the city of San Francisco, provided the bill was a reasonable bill.

Or, as Secretary Lane remarked: "I think, as one having charge of the park, that it will be beneficial, and that any one who really knows the country and appreciates the advantages that will come by the opening up of it and making it accessible and putting it to use must indorse this proposition as against some rather doubtful esthetic considerations."

And Secretary Houston, even more pithily: "I think there is a great deal of beauty in San Francisco to be conserved and that the hundreds of thousands of people there have some claims upon the government."

It was to the testimony of men such as these that President Wilson alluded as having influenced his decision to do that which clearly would confer "the greatest good upon the greatest number." The measure having passed the House unanimously and the Senate by a vote of nearly two to one, there is little likelihood that Congress will permit a reopening of the subject, but there is a possibility that the proposal may evoke another storm of criticism from misguided sentimentalists. It is well, therefore, to set down the simple facts in order to make plain to every sane mind, not only that the President could not properly have done otherwise, but that what he did was intrinsically and unescapably right.

HELPING THE ADMINISTRATION

THE latest "rider" in furtherance of reversion to the spoils system is that reported to the House of Representatives by the Post-Office Committee removing twenty-four hundred assistant postmasters from the classified service, to which they were assigned by the executive order of September 30, 1910. It is identical with the proviso exempting deputy collectors which was added to the Urgent Deficiency Bill and received the official sanction of the President. Its recommendation by the Committee, therefore, occasioned no surprise.

But the situation has changed. Elsewhere in this REVIEW we recall the observation of Professor Woodrow Wilson in *The State* to the effect that "the only force that can hold him [the President] to the observance of its [the Civil Service Act's] principle is the force of public opinion." It is now, we are proud and happy to record, the high privilege of President Wilson to confirm in actual practice his own academic observation. Our frank criticism of his action in the previous instance, under the title "Breaking the Pledge," bore upon his failure to make known his position while there was yet time to eliminate the obnoxious proviso from the Bill, believing, as we did, that "by a nod of his head he could have beaten it in the House of Representatives, where a change of only three votes would have

prevented its passage." The newspaper Press generally approved this view and the consequence is that the President announces definitely that he will veto the Post-office Bill if it comes to him encumbered with the "rider" reported by the Committee. This means that the provision will be stricken out and that Mr. Wilson will be relieved of the necessity of filing another exculpatory memorandum.

We frankly regard the happy result of this short but vigorous campaign as a distinct triumph won for and on behalf of the Administration through arousal of that public opinion whose force Professor Wilson so clearly recognized. Now if the President will go but a step further and declare that he will never sign another Bill carrying a provision not germane to the real purport of the measure, joy shall be unconfined.

MR. ZAPATA—PROGRESSIVE CANDIDATE

ALTHOUGH the precise date for a full, fair, and free election of a President of Mexico has not yet been fixed, the primaries are well under way and the candidates are advertising their respective merits after the fashion of their country. The benevolent Mr. Carranza continues to hold his lead among the Constitutionistas, but the more energetic Mr. Villa is pressing forward with no little vehemence and success. Indeed, the reports seem to indicate that the latter's exceptional pillaging capacity is winning for him wide-spread popularity among the more competent murderers who comprise the dominant faction of his party. It is but natural, under the circumstances, that his benign rival should maintain a discreet absence from the more prosperous assassin's immediate vicinity.

Meanwhile, thanks to the enterprise of the New York *World*, we are enabled to contemplate the physical, mental, and moral characteristics of the Progressive candidate, Mr. Emiliano Zapata, who is making a lively canvass in the state of Morelos, somewhat to the annoyance of the inhabitants, whose lives, wives, children, and properties he is taking at will. The correspondent found Mr. Zapata at Xolox—"the embodiment of sullen, suspicious, defiant, insolent brute force."

Across his lanky legs, which were incased in tightly fitting charro trousers, strapped under dusty tan boots, his red, hairy hands lay loosely.

Three fingers were circled with rings. One finger, from the knuckle to the first joint, was covered with rings, four or five of them bearing huge diamonds and a ruby and an emerald. Bigger diamonds were on the other fingers. The jewels fairly shrieked "loot" at one. So did the gold watch that was strapped around his wrist. Every man in his entourage was similarly decked out with gaudy but valuable jewelry. Over a soiled, rumpled blue silk shirt Zapata wore a short charro jacket. Embroidery in gold bullion almost hid the fabric of which the jacket was made. The buttons were of gold.

So were a double row of buttons on the outside of his tight trousers, as well as tiny chains that connected up the buttons two by two. Knotted under a low collar that sadly needed laundering was a red silk tie with long ends that flared down to the waist. In the tie was another diamond as big as the butt of one of the .30-30 Mauser cartridges which he bore in his belt and as yellow as the white of a bilious man's eye. Two automatic revolvers resembling young cannon snuggled in stamped leather holsters at his hips. In gold, on each holster, were monogrammed his initials. Gold damascened silver spurs jangled from the heels of his boots. By his side lay a huge sombrero with pounds and pounds of gold bullion on the brim and crown. Here, again, on either side of the crown, shone a gold monogram. Any pawnbroker in Mexico would have loaned Zapata at least twenty thousand pesos on himself as he sat taking his ease before the fire in Xolox.

Whenever Zapata spoke to the men or gave an order he fairly barked the words at them in a rough, guttural voice. Instant compliance was always given, and a semi-military salute invariably prefaced any speech that Zapata's men addressed to him.

Impressions of brutality, ruthlessness, cunning, but nothing of real cleverness; an ill-proportioned ambition, vanity, and other qualities akin to these, forced themselves upon one as the rebel leader's dominant characteristics. He is as impressive as a gaunt, fiery-eyed, snarling tiger-man who has committed some monstrous crime, or as a repulsive serpent is impressive, not because of anything within them latently noble, beneficent, or useful, but by reason of malign power for harm which they hold.

One cannot train the imagination sufficiently to divine a humane, kind, wise, or patriotic Zapata. His appearance and manner, everything that one turns to the world in converse with other men, is against him. Revelations of self which came during the interview stamped him as a man, in intellect, education, aspirations, and knowledge of his own country or of other lands, not superior to the average peon whom one encounters anywhere in Mexico during a day's journey.

Mr. Zapata expounded his policies with pitiless publicity. "I am fighting for the people against the aristocrats. I want to get back their land for them. They have been robbed a long time. You Americans have robbed them. All foreigners have robbed them. I have taken care of all the thieving Gatchupinas (Mexican nickname for Spaniards) in Morelos. I have killed them all, excepting those

that ran away and have taken their property. They deserved to die because they stole from the poor. When I become President I shall pass laws to keep foreigners out of the country. They come in and take everything that belongs to Mexicans—mines, lands, oil, everything. Diaz let them do it. He ruined the country by letting foreigners come and build railroads. We do not need railroads in Mexico. If there were none Americans would not come here. Only a few of them came before there were railroads, because it was too long a journey.”

Mr. Zapata also says that Huerta must go, not, however, because he may have done wrong, but because he is a reactionary and will do nothing for the poor—a policy which conflicts with the Progressive candidate’s conception of social justice.

“Yes, it is true,” he declared, “that I sent out a proclamation before Christmas to warn every one in the National Palace that I was coming to kill them. Huerta and every one who is with him I shall hang. I shall not shoot them, for they do not deserve soldiers’ deaths, for they are traitors and thieves.”

Mr. Zapata had stolen and killed, of course; but “I stole only to pay and feed my men, and I killed only those who were oppressors of the poor.” Would he recognize Carranza? He laughed.

“I will tell you about that, for it also is funny,” was his response. “I have no allies, for Zapata fights alone. Why should I ally myself with any one?”

“Carranza sent to me to fight for him. He was very generous. When he became President, he said, he would make me Governor of Morelos. I thought, ‘When I become President I shall make you Governor of Chihuahua.’ Why should he, who has been fighting less than a year, be President instead of me? Would that be fair? But he offered to send me rifles, cartridges, and some cannon. I consented. He did send rifles and cartridges, but no cannon.

“Carranza wanted me to capture Mexico City. I could do it, but why should I turn it over to him? When I take Mexico City I shall keep it for myself, not give it away to a man who cannot win his own battles. I could have captured the city many times, but I am not ready. For a long time my men were afraid. They are poor Indians, used only to the country. They were fearful of a big city like Mexico. Foolish stories had been told them of things that happened there, so they were all frightened. But they will soon forget that. They know I shall do as I promised—capture the city and hang Huerta and all his Ministers unless they run away too fast. No, I am fighting for my own cause, which is the cause of the common people. If others want to join me they may do so. Do I not deserve to

be the leader and have the people elect me President? What other man has fought as successfully as I?

"Tell Huerta that he can never find me, but that if he lingers too long in the place which he has usurped and my people find him, it will not be a happy day. Say to him anything that you wish; what do I care how many soldiers he sends? Nor do I care how much they may fight in Mexico. The harder and longer they fight the easier it will be for me to triumph when I am ready."

American intervention would not dismay Mr. Zapata, he said. Irreconcilable hostility to foreigners is a fundamental provision in his creed.

"Do you not remember," he asked, "that a long time ago the Americans tried to conquer Mexico? They did, for I have heard old people tell of it. They came in great swarms. By treachery they got into Mexico City, but there they met disaster. The Mexicans drove them out of the country—killed thousands of them. They never have dared to make war on us since, for they remembered the lesson they got so long ago. If Americans should return again, I should fight them. I should not join with Huerta, but I would fight them alone. After I had beaten them the country would be mine, for the people would know that it was I who saved Mexico from the Americans and would reward me by making me President. It would please me to see them come."

In other words, Mr. Zapata will co-operate with the United States only in refusing, under any circumstances, to recognize the *de facto* President. As a Mexican gentleman, however, when he gets him, he "will drink a bottle of cognac with him and then kill him."

Clearly, although we may not view his methods of procedure with unqualified approval, Mr. Zapata may prove to be a most serviceable ally in furtherance of our policy of watching and waiting until something happens—to Huerta.

ALL'S WELL WITH CARABAO

It is not yet quite clear whose feelings were most sorely hurt by the Carabao songs—Mr. Bryan's, Mr. Wilson's, or Uncle Sam's. The officers were accounted by the Commander-in-Chief "deserving of a very serious reprimand" because their dinner programme "violated some of the most dignified and sacred traditions of the Service." It is

quite inconceivable that the President meant this to apply to a lively college graduate who acquired fame as a writer of limericks. Nor can it well refer to the Secretary of State, who has become somewhat of a habit, we admit, but has hardly as yet assumed the proportions of a sacred tradition. No, this preliminary allusion must have been to Uncle Samuel himself, upon the theory that he wishes the insurrectos to be blessed instead of damned.

"What," continues the President, "are we to think of officers of the Army and Navy of the United States who think it 'fun' to bring their official superiors into ridicule and the policies of the government which they are sworn to serve with unquestioning loyalty into contempt?" Oh come, now, what "policy" did they bring into contempt? The Mexican, perchance? How could they, when nobody knows what it is? And what "official superior" did they ridicule? Neither Secretary Garrison nor Josephus. They got off scot free of mention. And not Mr. Bryan, who is only the moral, not the official, superior of the army and the navy—a fact delicately implied in the following verse:

Now if Wilson were here to-night,
He would give us a spiel that's right,
On "How to Preserve the Army's Good Name,"
"How to Play the Mexican Game."
But we'd ask him a thing or two,
Policy that we should pursue;
If he'd found it hard replyin',
He'd ask William Jennings Bryan,
Who would sing him "Lead, Kindly Light."

There is nothing really sacrilegious in that. After all, the great Cardinal's beautiful hymn was of human origin, and, what is more, Mr. Bryan does sing something very like it every time he makes a speech and turns his dogged eyes toward the White House. As for the famous battle-ship, is "U.S.S. Piffle" a whit more jocular than "U.S.S. Friendship" or "Fraternity," or whatever it was that the Secretary christened that craft down at Annapolis?

What do we think of medal-wearing officers who thus indulge in "silly effervescences of childish wit" after a care-free dinner? Why, we think mighty well of them, mighty well, and so does everybody, including the President, who would no sooner think seriously of questioning their "loyalty" than of doubting his own. But, as Kip-

ling truly says, when a man's nerves are on edge, 'e's apt to be a bit 'asty an' peevish-like, thus revealing, sometimes by way of joyful surprise, symptoms appealingly human. However, all's well since those sunny days at Pass Presbyterian with jovial John Lind—

So let us sing, Long live the King!
And Bryan, long live he!
And when they mount high horse again,
May none be there to see!

THE EPISODE AT BALANGIGA

By the way, did ever you hear of the episode at Balangiga? No? Nor had we until the other evening, when an officer of the United States army who served in the Philippines told us the story in simple words like these:

Well, it was typical. The island of Samar was at peace. The Gugus had been whipped into order, and they had promised to be good. Company C of the Ninth Infantry was sent to garrison Balangiga. Mind you, there had been peace for a year, and the company was simply to stay there and preserve order. Captain Connell, in command, was a New York boy who had been graduated from West Point, and Lieutenant Bumpus, of Boston, was his junior. There was no other lieutenant with the company, and they mustered some sixty or seventy men, all told.

Connell was a fine, friendly fellow. He was on excellent terms with the padre of the parish and the presidente of the village, not only for official reasons, but because he was a neighborly, amiable sort of man. Nothing could be pleasanter than the relations of Connell and his men with the people of Balangiga. The presidente had undertaken to have the brush cleared away from the neighborhood of the company's quarters, but he called on Captain Connell one evening to apologize for delay because he hadn't enough men for the job. He needed one hundred more.

"Do the best you can," Connell said. "Get all the men you want who will work."

That was all the presidente wanted, and he brought in a few hundred Gugus armed with bolos—long, heavy knives something like machetes, but worse.

Company C was at breakfast next morning when the presidente called on his friend, Captain Connell. Ten naked Gugus slipped up-stairs after him, barefoot all—making no more noise than spiders. Connell, Bumpus, and the doctor were at the table when the presidente stood at the door, smiling.

"Come in, Señor Presidente," said Connell, cheerily, "and have some breakfast!"

He came in, still smiling. His barefooted Gugus leaped in after him

with their bolos ready, and snicked off the heads of Connell and Bumpus and the doctor before they knew what was happening.

The presidente went to the window and threw out the heads. That was the signal. Three or four hundred Gugus—God knows how many—were waiting in the bush and watching the windows. When the heads flew out they swarmed into the mess-hall, bolos flying.

Company C lost half a dozen men in half a dozen seconds; then they got on the job. All they had to work with was the heavy crockery from the table, the stools they sat on, and a few baseball bats that happened to be lying in a corner. Yes, that's all they had—that and their fists—but they held the bolo men and began to drive them back. There was one sergeant, a very handy fellow—queer I can't recall his name at the moment. Well, he got nine with his baseball bat—oh yes, finished 'em all with one tap each.

Yes, sir, those boys held together, and with their thick bowls and plates and bats fought across the plaza to their quarters, and got their rifles and cartridge-belts. Then the Gugus fell back into the bush, but kept up the fight with their guns. What was left of Company C started for a post three miles down the river. They didn't bother about their officers because they had seen the heads in the plaza. There were only thirty men left when they got down to the river-bank and found some boats, but just then the drummer—I think it was the drummer—said:

"Hey, fellows, we forgot the flag!"

So with that they all started back for the plaza, and there they found the flag still flying. You understand, of course, the little brown brothers were firing on them all the time from the bush, and they were firing back. Well, they got the flag, properly lowered and caught and folded, and made for the river again.

There were only twelve men left when Company C got down to the bank, but they had the flag. The twelve got into three or four boats, and started for the fort, three miles away. The river was about as wide as Broadway most of the distance, perhaps twice as wide in some parts. The little brown brothers were firing from the bush on both sides, and our fellows were firing and paddling as best they could.

Only one boat got down to the fort. In it there were three men—and the flag, of course. Only one man was able to move. Some fight, wasn't it?

But that isn't the point. When our people got to Balangiga and saw those poor heads that had been kicked about until they were all tatters and rags and the bodies hacked and mutilated so you can't talk of it, they received impressions that will last as long as they live. That is the sort of thing that has happened over and over again, and, make no mistake, the officers and men who have come in contact with it will always "damn the insurrectos"—as I do now in my heart.

One of the regulars at the fort who received the pitiful remnant of Company C—and the flag—was the officer who recounted the incident, a Carabaon naturally, and among those duly reprimanded in time of peace, petulance, and piffle.

“ UNITED WE STAND ”

WHEN President-elect Wilson discreetly decided, after due deliberation, to take Brother Bryan to his bosom instead of leaving him on his back, our mind was jostled somewhat by the reflection that faithful performance of the duties of Secretary of State might encroach upon the time required by the distinguished editor for brilliant professional performances. Happily our fears have been dispelled. True, the teeming *Commoner* now appears but once a month instead of hebdomadally, as in the good old days, but of this we make no complaint. As a matter of fact,—but never mind about that.

The point is that our Brother-Secretary (he was Brother first) has demonstrated that one really can ride two horses at the same time and maintain what he used to call, when speaking of certain metals, a “ perfect parity ” between the two. Upon this point, of course, opinions may differ. The majority, we suspect, would hold that, in consequence of the disparity in his experiences, Mr. Bryan appears the more luminously in the hall of fame as a thoroughly self-trained journalist, but only the other day no less an authority than Josephus himself pronounced him the greatest Secretary of State since Jefferson, outshining even Marshall, Madison, Monroe, Adams, Clay, Webster, Calhoun, Marcy, Seward, and others literally too numerous to mention. Our own most judicial view has already been indicated. Mr. Bryan seems to us quite as great, but no greater, as Secretary of State as he appears as Editor of the first drum of Democracy. Wherever you put him, he weighs the same.

But we were speaking of the highly serviceable team-work which our Brother-Secretary has inaugurated in his dual capacity to the mutual advantage of the higher journalism and of this feverishly efficient Administration. Aroused by a certain reminder of forthcoming Congressional elections which appeared in the January number of this REVIEW, the *Commoner* announces that it “ has started a movement ” by making a special campaign rate of sixty cents in clubs of five or more, “ which is as near cost as it can be safely estimated.” The language probably is that of Brother Chas., but the source of the inspiration is beyond question. Two pledges are printed with blank spaces for signatures. The first reads as follows:

A PLEDGE

TO ELECT A DEMOCRATIC CONGRESS IN 1914

Publisher *Commoner*: Believing that the way to indorse President Wilson's administration is to elect a Democratic Congress in 1914, and believing that *The Commoner* placed in the hands of worthy Democrats and the independent voters will materially assist in the election of a Democratic Congress as an approval of the administration of President Wilson, I request that you send me the subscription cards indicated below, and I pledge myself to use my utmost endeavor to sell the cards and will remit for them at the Congressional Campaign Special Rate of 60 cents each.

The second pledge is more explicit, viz.:

A PLEDGE

Publisher *Commoner*: Desiring to assist in upholding the hands of President Wilson's Administration, and believing that circulating *The Commoner* as current campaign literature in close Congressional districts will materially aid in bringing about the election of the Democratic candidates, I hereby agree to contribute the amount indicated below, the same to be used in sending *The Commoner* at the special rate of 60c per year to persons in my county or district or in another state or district, as I may designate later.

\$1.00	
\$3.00	
\$5.00	
\$10.00	
\$25.00	

Name

Box or St. No.....

P. O.....State.....

Indicate the amount you are willing to contribute by marking X opposite the figure printed on the end of this blank.

The amount pledged above may be sent in with the pledge, or it may be paid any time within 60 days. This pledge is not negotiable, and collection of it will not be forced. Kindly fill in the pledge and mail at once to *The Commoner*, Lincoln, Neb.

We prefer this one as the more direct and appealing. We also value the prudence manifested by the firm declaration that "this pledge is not negotiable," thus effectually dis-

posing of any danger of a conflict with the new Currency Act through the possible circulation of these pledges as "lawful money." The announcement, too, that "collection will not be forced" is reassuring to a degree. Perhaps it might be well to substitute "R. F. D. . . ." for "Box or St. No. . . .," but this probably would be understood.

But one further suggestion, which frankly we consider a most happy one, is to include *THE NORTH AMERICAN REVIEW* and thus unite the two greatest forces now busily engaged in "upholding the hands" aforesaid. We stand ready to join the movement at a moment's notice upon one condition, namely, that the pledge shall read in plain English:

Publishers *Commoner* and *NORTH AMERICAN REVIEW*: Desiring to uphold the hands of President Wilson's Administration, and believing that this can be done most effectively by obtaining subscriptions for the *Commoner* and the *REVIEW*, I hereby agree "to contribute," etc.

If Brother-Secretary Bryan will indicate his acceptance of this slight amendment, we will communicate with Brother Chas. respecting a joint rate by the first parcels' post, simultaneously proposing that we print in large black type at the top of the Offer "United We Stand" and stop there, leaving to the imagination of the reader all speculation as to what might happen if by any untoward circumstance we should ever be divided.

We await a prompt and statesmanlike response without impatience.

CONSISTENCY IN JOURNALISM

WE have received from the editor of one of the foremost newspapers of the country a communication from which we quote the following:

. . . But it is not of these specific acts of Mr. Wilson that I wish to write. I do not, in fact could not successfully, deny the justice of your criticisms. What distresses me is that you should feel obliged to make them at all or at least so poignantly. In all friendliness, I ask you if your attitude is quite consistent? I have a right to ask that question. As you know, the — was among the first to take up your suggestion of the President of Princeton for President of the United States and, as you know further, I did so in opposition to my own judgment of its practicability and solely in response to the arguments which you advanced personally when we met at Mr. —'s at dinner away back in 1907. Or was it

1906? But having once enlisted for the war for better government and higher ideals, the — has never wavered. We sounded Mr. Wilson's praises persistently during all those years when hope of success was less than faint. I don't know how many columns of your own pleas in his behalf in the *Weekly* and *REVIEW* we reprinted. Naturally I rejoiced tremendously when the nomination was finally won. We worked hard for his election and are now supporting his administration zealously and hopefully.

This consistent record of what I consider true public service is my chiefest pride as an American journalist. The fact that you initiated and inspired it constitutes my claim of right now, not perhaps to pass rebuke upon your present course, but to beg that you will not persist in it, except after the most thoughtful consideration. Is not your perspective temporarily at fault? You cannot expect to find perfection in any man, though you did pretty nearly convince many of us to the contrary. And again I inquire, Are you consistent? In view of the signal, really marvelous, triumph of your great idea and of the big and broad aspect of affairs, would it not be wiser and more advantageous to the country, regardless of the effect on Mr. Wilson's personal political fortunes, to minimize the minor defects in his Administration? And are you not stultifying yourself somewhat, or at least discrediting your own judgment voiced so earnestly during the long, lean years when we were all being scoffed at for chasing a will-o'-the-wisp? I followed your lead from the beginning, to the greatest satisfaction of my life, and I want to follow it to the end. Won't you let me?

Such a letter from such a source clearly demands an equally candid and, in view of the receipt of like remarks from more casual readers, perhaps public response. It happens that we made it nearly a year ago. If our esteemed friend will turn to *Harper's Weekly* of March 8th, 1913—Inauguration week—he will find the following declaration of purpose:

The period of advocacy now finds a natural and proper ending. A President of the United States stands upon the highest pedestal in the world, far above the plane of possible competition. He wants no exploitation; his every act is noted. He seeks no defense; his deeds make answer to accusation. He needs no interpretation; his faintest whisper carries farther than the combined appeal of hundreds. He requires no spokesman; his own is the voice of the people. For them he stands as their chosen tribune, immune to unjust criticism, sure of deserved rewards; necessarily alone, but serene in his solitude and consciousness of right.

No argument is needed to show that indiscriminating praise would not only be an unkindness to a President of the United States, but would come unworthily from a public journal.

"The press," said Mr. Curtis, "is never a more beneficent power than when it shows the country that, while loyal to a party and its policy, it is more loyal to honor and patriotism. It is the palladium of liberty because it is the only power in a free country that can alone withstand and overthrow the crafty conspiracy of political demagogues. If it does not lead,

it is because it chooses to follow; it is because it does not know that no office is so great as that of molding opinion which makes parties and Presidents; that no patronage is so powerful as the just fear of an unquailing criticism brought home to every word and every act of every public man, and commending its judgment to the intelligence and the conscience of every citizen."

Harper's Weekly reaffirms the principles of its great editor. It regrets nothing that it has done; it rejoices in the re-establishment in power of the party which should and can be great, liberal, and truly democratic; it feels that it has peculiar reason to wish for the administration of President Wilson the greatest conceivable measure of success.

To that end and in that hope, as a natural sequence of the result accomplished, it now resumes the exercise of its normal and highest functions as an independent Journal of Civilization, free and glad to commend generously all that it deems praiseworthy, and equally free and ready to criticize frankly or condemn unsparingly whatever it may adjudge deserving of censure.

From this day forward the attitude of *Harper's Weekly* toward the administration of President Wilson will differ in no respect from its attitude toward the administrations of his predecessors.

No holder of public office can be as big as his party; no party as great as the nation; no group of politicians as potent for good or ill as a fearless and independent press.

No words at our command could make the present position of this REVIEW more clear. Is it not, we ask our friend in turn, wholly consistent, entirely sound, and absolutely right? And have we varied so much as a hair's-breadth from the policy thus defined? True it is and beyond dispute that we do not and shall not "minimize" defects; neither do we nor shall we magnify them. Our sole endeavor, in treating as a public journal of public affairs, is to speak the exact truth and draw exact conclusions. More need hardly be said at this time except perhaps, as our observant friend may have inferred, that we regard cant, hypocrisy, and humbug with distinct disfavor.

COMMENT

It is an amusing anecdote related by the *Tribune*:

Mark Twain brought out *Joan of Arc* anonymously. The book was one of his failures, but he was proud of it. Before he acknowledged its authorship he sometimes fished for compliments about it. One evening at dinner Mark Twain said carelessly to a Senator: "Are you a novel-reader?" "Yes, a great novel-reader," was the reply. "I don't suppose you're following that anonymous new serial, 'Joan of Arc'?" "Indeed I am, through every instalment." "What do you think of it? Is it good?"

"That's hardly a fair question to ask me," the Senator replied. "You see, I wrote 'Joan of Arc' myself."

But we doubt its authenticity. The story appeared in *Harper's Magazine* in 1895, and Mr. Beveridge was not elected to the Senate until 1899.

The most convincing evidence of Mr. John Skelton Williams's fitness to be Comptroller lies in the fact that so competent a judge as Senator Weeks could find no fault in him. Apparently there was no need to raise the abrayed bugaboo of "Wall Street opposition," to secure his confirmation.

"The President does not approve this section of the bill," said Chairman Moon in his speech on the Post-Office "rider." "But this committee is not here to bow to the will of the President or to bow to the will of the present Postmaster-General." Quite true unless, of course, their will happens, as in this instance, to coincide with the will of the country.

You have to give the Hon. John Lind credit for keeping his mouth shut. He is one man who doesn't run down the reporters to get his name in the papers.—*Raleigh News and Observer, Josephus, Editor.*

Praise from Sir Hubert!

Products of the farm are bringing better prices, and we may look to see increased interest in the raising of cattle, sheep, and hogs.—*Josephus.*

Thus reducing the cost of living.

Reports concerning Mr. Asquith's troubles with his First Lord and Chancellor of the Exchequer revive rumors of growing dissensions among members of a Cabinet somewhat nearer home.

Colonel Harvey proposes Colonel Bryan for President of Mexico, which suggests that the silly season is in ahead of time.—*Rochester Herald.*

He thinks we meant it.

INTERVENTION

BY MAJOR-GENERAL WILLIAM HARDING CARTER, U.S.A.

We love and value peace; we know its blessings from experience. We abhor the follies of war, and are not untried in its distresses and calamities. Unmeddling with the affairs of other nations, we had hoped that our distance would have left us free, in the example and indulgence of peace with the world.—THOMAS JEFFERSON.

THE inexorable decrees of destiny drive nations headlong into courses of action whose ultimate end is beyond human foresight. When destiny coincides with material interests, conscience is all but smothered, and in the multiplicity of arguments truth is relegated to oblivion. Armies march away to execute the mandates of policies based frequently upon the expediency of the moment, and in the end results unforeseen and undesired gradually unfold and are accepted as the legitimate consequences of military operations.

However noble may be the principles actuating a nation in forcibly intervening in the affairs of another nation, its conduct will be critically scrutinized at every step, and the first sign of over-reaching is likely to bring the charge of having fostered the very conditions which made the opportunity for intervention. It was with knowledge and in acceptance of these historical facts that our nation so carefully provided, in its declaration of war against Spain, because of conditions in Cuba:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

History furnishes no examples of more altruistic sacrifices of blood and fortune than those involved in our occupation of Cuba and its enforced sequence, the suppression of rebellion in the Philippines. These experiences have led us

far afield, and the presence of a part of our army in quarters at Tientsin to-day, ready for summons to Peking, creates no concern in the public mind. We are in military occupancy of China, on a small scale, because we fear the instability of the new republic and not from motives of cupidity. Because of our course in Santo Domingo, Central America, Cuba, China, and elsewhere we have accustomed ourselves to view intervention as excusable and necessary whenever our interests or those of humanity are at stake.

Allegations as to the instability of governments usually arise where material interests are involved. In fact, we are prone to regard a government as stable only when capital may seek investment at reasonable rates of interest. Nearly all the misunderstandings between nations in recent years are traceable to commercial rivalry or to failure to protect investments made by foreigners in the development or exploitation of other than their home country. It is this latter condition which, for several years past, has caused the constant suggestion that our Government should intervene to restore order in Mexico, even though Americans and foreigners in that revolution-ridden country have generally opposed such action.

For three years our neighboring republic of Mexico has been so torn with dissensions as to make intervention a subject of daily conversation and suggestion. With the memory of the *Maine* disaster and its consequences on public opinion, we know full well the possibility of the nation being carried away by the excitement following some unexpected and unpreventable incident. For three years our people residing along the Mexican border have been sorely tried, yet there can be no doubt that Americans generally are in full sympathy with the President in his efforts to induce the Mexicans to agree upon a proper solution of their internecine struggle, just as our forebears were in full accord with President Van Buren's views that

an invariable and strict neutrality between belligerents and an entire abstinence from all interference in the concerns of other nations, are cardinal traits of the foreign policy of this Government. The obligatory character of this policy is regarded by its constituents with a degree of reverence and submission but little, if anything, short of that which is entertained for the Constitution itself.

It is certain that our people await in hopeful mood the outcome of the struggle in Mexico. As a neighbor with some

interest and much responsibility ordinary precaution suggests the propriety of being prepared for eventualities. Under our governmental system ordinary affairs arising in the departments or bureaus are adjusted through the great clearing-houses in Washington, but incidents of serious import happening along a thousand miles of frontier, and frequently of international consequence, are left year after year to the border representatives of the State, Treasury, and War Departments, and the Department of Justice, without proper rules of action or definite regulations based on statutes, for their guidance, and yet, an error of judgment of an isolated official or border patrol at any time during the past three years might have produced an outburst of local sentiment which would have traveled in ever-enlarging circles too rapidly to be overtaken with explanations and apologies. If we are to become involved in Mexico, it is of the highest consequence that it shall be the result of deliberate policy and not arise from inflamed sentiment based upon a local and unprecedented incident.

Admitting for the sake of argument that the Constitution of Mexico has been subverted; that civil war, accompanied by acts of savagery, has long prevailed, and that a state of anarchy has arrived, we needs must measure well our duty before deciding upon forcible intervention, else we may so change the scales of historic justice as to interfere with genuine progress toward a great national end. We owe it to ourselves not to encourage or force public opinion looking to intervention because of financial interests of our own or of other foreign subjects in Mexico. Out of the existing struggles there may yet arise a great Mexican patriot who will open the eyes of his countrymen to the blessings of constitutional liberty, and show the world that a quarter of a century of suppression of the popular will, exploitation, and the thrift of fawning which follows in the wake of such a government has not destroyed the spirit of a people who have survived oppression for more than three hundred years. Russia freed her serfs, America freed her slaves, and Mexico freed her peons from bondage, but edicts of emancipation do not immediately create intellects, but only make it possible to develop them. We shudder at the reading of the crime of some Mexican peon while we ignore or forget the incessant recitals of murders and violent crimes at our very doors.

Assuming that all our efforts have been in vain, that our diplomats have taken their formal leave and the crisis has arrived, we may profitably consider the resulting situation and our probable course of action in regard to Mexico. In a comparatively brief period of time we have seen the long régime of Porfirio Diaz terminated by the revolution of Madero, who held the reins of government through a brief and troubled incumbency until arrested and deposed as President by his own military chiefs in the midst of revolution which had reached the palace doors. Assassinated in a manner peculiarly offensive to Anglo-Saxon ideas, Madero was followed by Huerta, against whom a series of counter revolutions were begun in several states and have continued with signs of material success.

As far back as 1835 President Jackson described such conditions in his annual message to Congress:

Unfortunately, many of the nations of this hemisphere are still self-tortured by domestic dissensions. Revolution succeeds revolution; injuries are committed upon foreigners engaged in lawful pursuits. Much time elapses before a government sufficiently stable is erected to justify expectation of redress. Ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them.

Our Government has stated its attitude on the subject of Mexico quite definitely more than half a century ago:

No matter how strongly the sympathies of the United States may be with the Liberal Constitutional party in Mexico, our Government cannot properly intervene in its behalf without violating a cardinal feature of our foreign policy.

So far as foreign interference in Mexico is concerned, our nation has never called in question the right of any other nation to carry on hostile operations for the redress of real grievances which it may have suffered, but definitely denies the right to hold permanently any part of the country or to direct or control its political destiny by force. Our nation has never been indifferent to events occurring in Mexico, but as the nearest neighbor and the one with greatest po-

litical and financial interests at stake has consistently endeavored through its good offices to maintain peace.

Our unpreparedness for a war of magnitude in 1898 has become a matter of recorded history through the proceedings of the commission which investigated the War with Spain. On the threshold of possible eventualities demanding the employment of force it may be profitable to consider the present status of our military establishment.

The fortification of our harbors has been completed, so far as the original scheme is concerned, and only two projects of importance, not included in the first plans, remain to be carried out. The scheme of submarine mine defense of our channels and harbors is about as nearly perfect as human foresight can provide for. Our infantry and cavalry are armed with rifles which have no superiors the world over. Our field-artillery *matériel* has steadily improved, and so far as accuracy and reliability of shooting is concerned there is no comparison with any former period of our own service. The improvements made in the fuses used by the field artillery have made it possible to fire over our own troops with a minimum chance of accident. Our system of communications is incomparable. The army is well fed, comfortably clothed, and well equipped. Our men are well trained, physically athletic, and mentally resourceful. The administration of the army is now watched over by a General Staff Corps, with the result that there is supervision of preparation and co-ordination of effort. Instead of a number of widely separated storehouses under numerous bureaus, there are now large field supply depots well stocked with clothing, equipments, arms, and ammunition, which admits of train-loads of properly balanced articles being sent to rendezvous or to the front, and eliminates to a great degree the possibility of missing links. In these depots are stored the latest models of field ovens ready to be sent to the front and to maintain a supply of bread of the best quality until troops move beyond the advance bases and are reduced to living on the ration comprising bare necessities and carried in a haversack on the person. And when our men march away to meet the enemy they go with the best shoes that science has been able to devise for preventing abrasions and other forms of foot lameness.

All this preparedness has not come as the inspiration of the moment, but through many years of diligent study and

experimentation, with sincere desire on the part of Congress and the War Department authorities to leave nothing undone which experience developed as necessary to avoid the mistakes of the past. So far as perfection of plans, equipment, and character of officers and men there is little to be desired. The matter of most serious concern is the deficiency in numbers of organizations as well as in the strength of existing units. The correction of this condition has engaged the minds of public men since the Declaration of Independence without a definite and satisfactory solution. The War Department has not at its disposal to-day sufficient force to mobilize for field service one corps of three complete divisions without stripping the coast-artillery fortifications, and this could only be done when operating against a nation without sufficient naval strength to harass our coasts. Congress has not been without advice, but many proposed methods of overcoming our defective military system have failed to stand the analysis of committee investigation, and in some phases of preparedness we are as far from a practicable basis of action as in 1898, and the nation, in event of war, must await the imperfect legislation usually brought forth in emergencies. Much discussion and some experimentation have cleared the befogged condition of some questions, and the day may not be far distant when a practicable Federal Volunteer Reserve may be created which can be depended upon to reinforce our small regular army without question as to State or National boundaries, or whether intervention is war when applied to the constitutional limitation on the use of the Organized Militia of the States.

We owe it to ourselves to be prepared for the increasing obligations which are crowding upon us as a great Power. If we but maintain our equilibrium in the midst of difficulties, and occasion demands that we march our army into the territory of our neighbors to restore order, we may execute the undesirable duty in a manner befitting a highly civilized and honorable people. This nation is fortunate in the presence always of large numbers of men of high standards of ethics, seeking for the right with the virility of intellect transmitted through many generations of Anglo-Saxon forebears. If they but lead we cannot go so far afield that we may not withdraw with honor.

WILLIAM HARDING CARTER.

THE FOUNDATION OF THE STATE

BY DAVID JAYNE HILL

THE period of mental tranquillity happily intervening between electoral campaigns affords a favorable opportunity for the consideration of fundamental questions. Among these is the true nature of the State; for the most important task of mankind has been, and continues to be, the maintenance and perfection of the State as the organized expression of political ideals.

It would, however, be a public misfortune if, in the pursuit of ideals, we were to overlook the fact that, in some form, the State is a reality. Wherever human beings exist in a self-conscious society, there the State also has substantial being. As monarchy, oligarchy, or democracy, it lays the hand of power upon human life and in some degree shapes and controls its destinies.

What is it that constitutes the true source of the State's authority? What is it that requires of the individual the subjection of his private will to the demands and prohibitions of an authority superior to his own immediate interests and inclinations? In brief, whence does the State derive the right to command?

The first answer to this question is, that the individual must obey because the State possesses the power to compel obedience. It is evident, however, that, if an individual, or a group of individuals, possesses the power to resist or evade the authority of the State, the necessity of obedience disappears; and, further, that, if obedience is merely a question of submission to superior force, an individual, or a group of individuals, if their force were sufficient to enforce obedience to their own private will, might claim to possess the authority of the State. In other words, mere power may *compel* obedience; but it cannot create the *duty* of obedience. It can make laws, and it may be able to enforce them; but

this does not exclude our right to resist or evade them, if we possess the power or the ingenuity to do so. Mere *might* does not make *right*, and a State founded solely upon *force* can create no obligations that bind the reason or the conscience of its subjects.

At the present time there is, perhaps, no jurist or political philosopher who would defend the thesis that the State reposes merely upon the power to enforce obedience to arbitrary commands and prohibitions. In the revolt against personal despotism it was sought to base public authority not upon supreme power, but upon general consent. For arbitrary force was substituted the "will of the people." But, it may be asked, how is it possible to derive from a mere collection of private wills an authority that does not inhere in any one of them? What right is possessed by ten men that justifies them in imposing their private wills on an eleventh man who does not consent to obey them?

The mere statement of the question suggests the proper answer. There is nothing in a collection of merely private wills, considered as so many personal expressions of desire or determination, to give them authority over any other individual. If no one of them, considered singly, possesses authority over another person, all of them united possess no authority. As for consent, they may consent for themselves, but only for themselves; and, if mere consent be the basis of public authority, then the one individual who withholds his consent not only has a perfect right to do so, but the superior power of the majority can confer no right to impose upon him the rule of force.

Equally with the idea of superior power, therefore, the idea of the "will of the people," considered as mere volition, fails to furnish a defensible foundation for public authority. Either it does not exist at all, or it must be sought elsewhere.

Where, then, shall we seek the true foundation of the State?

Are there any principles by which the individual should be governed, even without his consent? Is there in human experience anything more authoritative than personal impulses and desires, or is there not? If not, there is no firm foundation for the State, and there is none for human character. The strongest group of impulses, whatever they

may be, will inevitably prevail. But to concede this is to return to the blind, cruel struggle of lust, greed, and the instinct for power out of which, after many wounds, civilization has painfully emerged.

It is, therefore, of prime necessity that we determine the question whether or not there are unalterable principles that should govern or overrule the mere volitions of men, and whether or not these have any relation to the State.

The tendency of our time is, undoubtedly, to weaken belief in unalterable and necessary principles of every kind, and to conceive of life, and even of the entire universe, as a mere process of transformation without definite ends. If this conception of existence be true, then the only ends worth serious consideration are those which are personal to each individual; in short, his own private advantage and temporary happiness. Everything except the sentiments of the personally agreeable or disagreeable being dismissed from consideration, there is no place for universal and authoritative principles. Esthetic conceptions take the place of moral conceptions; and even these are left without standards, the grotesque and the ugly affording a temporary relief to nerves wearied with the monotony of merely symmetrical and harmonious impressions.

It is no new thing to consider the current philosophy of life in relation to the prevailing conception of the State. In every age—in the city-states of Greece, in the Roman Republic, in the Empire, in the rule of Charlemagne, in the formation of the feudal monarchies, and in the development of the modern national states—the dominating philosophy of life has been a molding influence in the shaping of political conceptions; and it may be set down as a law of history that the abandonment of fixed principles has always preceded or been accompanied by the deterioration of the State.

The development of political institutions may be along definite lines of advance toward social justice, or it may deviate from those lines in either of two directions. Where the will of the people takes on the form of a struggle between private and class interests, the result is a condition of political anarchy. When this becomes intolerable some master hand, seizing the reins of power with the approval of those who have suffered most from the conflict of contending interests, undertakes to control the power of the

State, and the result is despotism. Wherever anarchy becomes dangerously acute, despotism tends to be established; and, as between the chaos of factional strife and the firm rule of a dictator, all the substantial interests of society have little difficulty in deciding upon a choice. They invariably prefer security to liberty, and public order to the pursuit of unrealizable ideals.

It is by considering these deviations that we can most clearly trace the normal course of political development. When exercised in either a popular or a dictatorial manner, *pure will*, undirected by fundamental principles, produces the ruin of the State. The very idea of government implies a restraint placed upon the volitions of men, which are of necessity not only different, but conflicting. The true secret of good government lies in the spirit of self-renunciation; and the word "*self-government*," which we are proud to repeat as a watchword, has no other meaning. It signifies government by self-restraint, as distinguished from government under compulsion. A people that is incapable of renouncing personal and private advantage in the interest of the public good is incapable of self-government, and will sooner or later seek and find a master.

We perceive, then, that the acceptance of universal and authoritative general principles is necessary to the normal development of the State, and that revolt against them is essentially a repudiation of the State-idea. Whence, then, are these principles to be derived?

It is clear that they cannot be derived from the idea of power alone. It is equally clear that they cannot be derived from the merely personal motives from which men act; for these, being of a private character, can have no public authority. The source of authority, if found at all, must, therefore, be sought in something deeper and more worthy of respect than either the mere power to enforce obedience or the merely personal motives of individual men.

Happily, we do not need to go beyond the limits of human personality to find such a source of authority; a source of authority superior not only to the will of individuals, but to the will of majorities. However we may explain its origin, there is in every human being capable of social organization a conception of justice as a principle wholly apart from personal desires or volitions. Attending this conception there is a sentiment of obligation to respect this

principle, regardless of personal interest or advantage. It is this that renders men fitted for human society, and makes possible the organization of the State as the embodiment of public authority. The State is nothing else than the body of which this principle is the life.

From another point of view the State is the expression of the impersonal reason which constitutes the common background of human personality; for the human person is not merely a group of sensations or the power to know and distinguish these. Nor is the essential element of personality its formal unity, but its intuition of community. An animal is a unit, and it possesses a vague sense of relation to its kind; but a person includes more than this. The indwelling reason, which is the characteristic mark of personality, and is yet other than personality, and transcendent over all the elements which compose the individual as an individual, cannot be resolved into the motives by which personal conduct is actuated. It is in its essential nature regulative and commanding. It speaks with an authority that is not to be found in personal motives, such as impulses and desires. It says to every one in whom it resides, "You ought," or "You ought not."

It is upon this principle that the true conception of the State is founded. It defies mere power, however its pressure may be exerted. It repudiates the control of mere numbers as it rejects the usurpation of one master. It appeals from the mere will even of majorities to the impersonal reason which issues its commands to all.

When men speak without qualification of the "will of the people" as the true source of authority and the rightful lawgiver in the State, they propose an unsound, and even a dangerous, doctrine. When men affirm that the wishes of majorities are the criterion of public action, they offer the people a false light. There are wrongs which majorities may not inflict, and there are rights which they should respect. Majority rule is, after all, merely an exercise of power; and power, as such, is not the true foundation of the State.

Practically, it is true, government is, and must be, conducted in accordance with the popular will; but it is always subject to reproof and correction at the bar of impersonal reason. Men really fitted for self-government will always be ready to accord this right of appeal. Men not yet ripe

for self-government will instinctively resist it, because they are autocrats at heart. As between the different forms of autocracy, there is slight ground for choice; for the rule of many purely arbitrary masters may be as odious as the rule of one.

Respect for the State depends upon insistence that the right of appeal to the principles of justice, upon which it is founded, should never be withheld from any, even the smallest minority, who feel that they have reason for making that appeal. Free speech, a free press, and freedom from every sort of intimidation are essential to a normal political development. The true patriot must, therefore, be a man without fear. The most important question is the attitude of the citizen toward the State. If the State is, as Hobbes regarded it, a mere "Leviathan"—something to fear rather than something to respect—patriotism becomes a difficult virtue, and may even degenerate into a vice. The adulation of power simply because it is power corrupts the citizen and deteriorates the State. The real patriots are those who are ready to serve it in its moments of weakness, peril, and distress, and to help it forward in accomplishing its high mission as the most potent of all agencies for the social advancement of mankind.

DAVID JAYNE HILL.

REGULATION BY COMMISSION

BY SAMUEL O. DUNN

THE spread of regulation of business by administrative commissions is one of the most marked and important politico-economic developments in the United States in this generation. The policy was first applied by a few States to railways. It has now been adopted as to railways by the Nation and most of the States, and has been extended by several States to public utilities of many kinds. Recently men prominent in business and politics have advocated regulation of large industrial concerns by commissions as a substitute for their regulation, or, rather, dissolution, under the Sherman Act.

The development of the policy of regulation by commission has grown out of the belief that lawmaking bodies, courts, and ordinary executive officials are incompetent to deal with the problems raised by unsatisfactory relations between public utilities and the public. The legislatures cannot deal with these problems intelligently and effectively, because to do so requires a body possessing expert knowledge and in practically continuous session. In both of these respects lawmaking bodies are deficient. The courts cannot satisfactorily deal with these problems because they lack expert knowledge and have many other kinds of business to transact, and because their slow, cumbrous, and formal process excludes classes of evidence which, while logically irrelevant to a lawsuit, are precisely the considerations that would influence a business man in deciding a business proposition. The ordinary executive or law-enforcing officials are incompetent to deal with the problems of regulation because they lack expert knowledge, because they have other and entirely differing duties to perform, and because a regulating body should approach its work in a judicial spirit which is incompatible with the executive spirit by

which the ordinary law-enforcing officials should be animated.

It long seemed that we must accept either unregulated management of public utilities, with its attendant abuses; or unwise and inefficient regulation by the courts and legislatures; or public ownership. It was out of this confused condition of affairs that there grew up the idea of creating commissions having at once legislative, judicial, and administrative functions, and especially qualified and empowered to deal solely with this problem of public regulation.

Many persons regard the development of the regulating commission with much enthusiasm and optimism. They consider it a great discovery in political science, and think it the best if not the only means by which we can steer clear of both the Scylla of uncontrolled and rapacious private management and the Charybdis of public ownership. The principle underlying regulation of public utilities by commission is sound. But sound principles are valueless without sound practice. Whether our practice will be sound will depend mainly on two things—the personnel of the commissions, and their legal powers.

We have recently given much attention to their powers. We have conferred on many of them very great authority. We have given much less attention to the question of the kind of men who should exercise this authority. But in all political and business affairs the kind of men to whom authority is intrusted is as important as the amount and character of the authority conferred. Capable, public-spirited men will accomplish much more good with small powers than incapable, self-seeking men with large powers. In truth, the greater the powers you give incompetency, especially if it be associated with selfish ambition, the less is the good and the greater the evil it will usually do.

The disqualifications of legislatures, courts, and ordinary executive officials for the regulation of business suggest some of the qualifications that ought to be possessed by the members of regulating commissions. Ability, expert knowledge, fairness in utterance and act, moral courage to resist public opinion when it is wrong, as well as to enforce their duty on refractory public utility managements when they are wrong—these are prime essentials. While some members of our regulating commissions have had the needful quali-

fications in a high degree, many of them have hardly had them at all. In more cases State commissioners have been elected chiefly because, as politicians and lawyers, they have participated in agitation and litigation against the railways. Such men can hardly be unbiased. Most of the commissioners have been wanting in expert knowledge; many have been without business capacity or professional attainments and ignorant of elementary economic principles.

By what means may we more generally secure for the commissions the sort of men of which they ought to be composed? First, we must pay their members reasonable salaries. We may get able men to serve temporarily in emergencies for inadequate pay; but we cannot long retain capable men in the public service for small compensation. The salaries now paid are usually too low. In New York the salary is fifteen thousand dollars a year, which certainly ought to be ample even there. In a very few States it is five thousand dollars, or a little more. In most of them it is less than this; in some only twelve hundred to fifteen hundred dollars. It is impossible to believe that in a large and important State competent men can be induced to sit long on a commission for less than five thousand dollars to ten thousand dollars. The members of the Interstate Commerce Commission are paid ten thousand dollars. In view of the high qualifications they should possess and the laboriousness and extreme importance of their duties they should be paid more.

Secondly, the kind of men chosen depends largely on the mode of choice. Reason would suggest, and experience shows, that qualified men are more apt to be secured by appointment than election. Occasionally capable men are elected; and frequently unfit men are appointed; but on the whole the appointive commissions are superior in personnel to the elective. The voters have both less fitness and less opportunity to select good men than the Governor of a State or the President of the United States. Almost every one of the shining examples of wholly unfit commissioners is a product of election.

Third, the term of office should be fairly long—certainly not less than four years, and preferably longer. The duties are not only technical, but they relate to a diversity of subjects. Railway commissions now regulate railway traffic, operation, and accounting, and in some States the issuance

of securities. On railways only the higher executive officers usually have a working knowledge of all the various departments, and most students of railway matters outside of railway service specialize along only one or a few lines. Therefore, a new commissioner, even though formerly a railway officer or a diligent student of railway affairs, is apt to have a knowledge of only one or a few branches of the railway business. As commissions deal with all branches of the business, their members must, if they are to perform all their duties fairly and intelligently, be given long terms so that they may acquire the broad knowledge and experience that the performance of all their duties requires. The members of the Interstate Commerce Commission are appointed for seven years, and we seem now to have definitely adopted the wise practice of repeatedly reappointing those who desire reappointment. The terms of the members of most State commissions are very short; and there are frequent changes in them. When commissions regulate not only railways but all kinds of public utilities, the need for appointing their members for long terms, and profiting by their experience by repeated reappointments, is much greater than when they regulate only railways. There is a general tendency to thus extend the jurisdiction of commissions originally created to regulate railways only.

Finally, the commissioners should be possessed when they are chosen of special knowledge of the businesses they are to regulate. There is a feeling that officers of railways, the most important utilities subjected to regulation, would, if chosen to commissions, be somewhat biased in favor of the railways. That probably would be true in some cases. But surely they are no more apt to be biased in favor of railways than shippers or politicians who have participated in agitations against them are apt to be biased against them; and it is hard to see in what way the one kind of bias is any better or worse than the other.

However, it is not necessary to go to the public utilities themselves for men having some special qualifications for commissioners. In Germany, the "land of damned professors," as Palmerston called it, the government has learned to make good use in public affairs of earnest and intelligent students. No one questions that B. H. Meyer is one of the fairest, ablest, and best-equipped members of the Interstate Commerce Commission. Mr. Meyer formerly

served on the Wisconsin Commission, and before that was a professor in the University of Wisconsin, where he specialized on transportation.

It is not meant to suggest that we should fill our commissions with university professors, but merely that our commissions would be much strengthened and our policy of regulation much improved if we would put fewer politicians on them, and more men, such as Mr. Meyer, who have devoted themselves to the study of the problem with which regulating bodies must deal. Unfortunately, we have never had much use in public affairs in this country for the man who prefers investigation to guessing and meditation to agitation.

President Hadley, one of the earliest and greatest of academic students of transportation in the United States, years ago pointed out that a railway commission having the right sort of personnel does not need to possess or exercise extensive coercive legal powers in order to be an effective regulating body. The Massachusetts Railroad Commission has never possessed extensive legal powers; yet no commission ever has done work at once more effective and salutary than the Massachusetts Commission did in its early history. This was because it was dominated by Charles Francis Adams, a man having in eminent degree all the qualifications of a great public utility commissioner. As Dr. Hadley has said: "This absence of specific powers was just what Mr. Adams welcomed. It threw the commission back on the power of common sense—which does not seem as strong as statutory power to prosecute people and put them in prison, but which in the hands of a man who possesses it is actually very much stronger." The great influence that a commission may exert while possessing very limited statutory powers is illustrated by the fact that in the long life of the Massachusetts Commission the railways have failed to act in accordance with a formal recommendation made by it in only a single unimportant instance.

However, I am not one of those who now believe in what are called "weak" commissions. I believe in strong commissions—strong in personnel, and strong in the power to compel the managements of public utilities to do what they should when compulsion is necessary. Compulsion would be necessary less frequently if our commissions were uniformly fair and expert; but that it is often necessary there

is no doubt. But, as the Supreme Court of the United States said in one case, "the public is not a general manager of the railways"; nor is it a general manager of other public utilities. Public utilities are not public property with which the public may legally or equitably do as it pleases. The public may become their general manager by becoming their owner; but it has no right to assert the authority of management until it is prepared to assume the responsibility and bear the expenses of management and ownership. Not only has it no right to do so, but for it to do so would be highly inexpedient. Public management of public utilities under public ownership might succeed. Public regulation of private property may succeed. Public management of private property could not succeed. It would involve divided responsibility in its worst form. There would be incessant struggles between the officers selected to represent the owners, seeking to recover the authority they had lost, and the authorities representing the public, seeking to hold the authority they had gained. Each side would exert itself more to nullify the work of the other than by its own policy to get results. The capital needed for adequate development would not be forthcoming; for the public could not lay it out so long as the ownership was private, and private capitalists would not—probably could not—supply it while the management was public. The resulting conditions would be intolerable, and both the owners of the utilities and the public might throw themselves into the arms of government ownership as the only haven of escape.

Where, then, does the proper jurisdiction of the management end, and that of the regulating commission begin? We shall most accurately trace the line of demarcation if we consider the precise nature of a public utility. A public utility has been defined by the courts as private property affected with a public use. The same meaning has been conveyed when it has been said that a public utility is private property devoted to a public service. The property is as private in its ownership as a farm or store or factory. It is the fact that it is devoted to the service of the public that gives the public a right to regulate it. There are water plants, electric light and power plants, gas plants, and small railroads that are private not only in their ownership, but also in their service; and the public has no more right or power to regulate them than any other strictly private busi-

ness. It is when, and because, property is devoted to the service of the public, and that thereby there is established a most important relation between its owners and managers and the public, that the right and power of the public to regulate emerges. Continuing to be private in its ownership, its owners retain both the moral and the legal right to manage it as they see fit so long as it renders good service to the public at reasonable rates. It remains the province of the management to perform in the first instance all the functions performed by the management of any business concern—to fix the rates to be charged, to determine the amount and character of the service to be rendered, and to decide how the company's financial necessities shall be provided for. And if the rates fixed are all fair and reasonable, if the service rendered is adequate and good, if the financing is honest and conservative, there is nothing for any regulating body to do.

But experience has shown that the managers of public utilities, being human, are just as good and just as bad as the rest of mankind. There are farmers who put all the large apples at the top of the barrel, and sell impure milk to poison little children. There are merchants who sell short weight. There are manufacturers who underclassify the goods they ship and thereby rob the railways. And there are some managers of public utilities who, having the same human shortcomings as some farmers, some merchants, and some manufacturers, seek to exact excessive rates, to discriminate unfairly in their charges, and to render service that is poor and inadequate. It is to stop and prevent these abuses that regulating bodies are created.

In brief, the proper function of the management is executive in the broadest sense; that of the regulating commission corrective. This is the only rational and practical view of the matter. For no commission exercising regulating authority over numerous utilities can possibly acquire that intimate knowledge of all the conditions and needs of the business of each of them which their managers have, and which is essential to their wise and efficient management; and, therefore, when the commission oversteps the limits of its appropriate field its influence ceases to be intelligent and corrective, and begins to be ignorant, meddlesome, and harmful.

There are several important phases of the business of

public utilities to which the corrective authority of the regulating commission may, should, and in many cases does, apply. Practically all commissions have considerable, and many large, authority over rate-making. Many persons think commissions should have authority to initiate all rates. But, in the railway business at least, the initiation of rates is plainly a function of management. No commission can possibly know so well what the rates as a whole can and ought to be made as the traffic men of the railways. But the judgment of the traffic men at times goes wrong; they are at times influenced by considerations out of harmony with the rights and interests of the public; and commissions ought to have the power, after full investigation, to order needed changes in the specific rates or schedules of rates which they have investigated. Their authority should include the raising as well as the reducing of rates, for often an unfair discrimination may better be corrected by raising a rate that is too low than by reducing one that is too high. The Interstate Commerce Commission has not power to raise a rate; but some of its principal members, and perhaps all of them, believe it ought to have that power.

Commissions often have been given less authority over physical operation than over rate-making. There seems no sound ground for this. There appears no good reason why they should not have the same authority, after full investigation, to issue orders to correct defects of service as defects in the rate structure. Congress and the State legislatures have been passing numerous laws to regulate the hours of service of railway employees, the number of men in railway train crews, the kind of head-lights that shall be used on locomotives, etc. There is just as much reason why matters such as these should not be regulated by legislatures and why they should be regulated by public-utility commissions as there is why rates should be regulated by the commissions. Regulation of operation, to be fair and beneficial, requires just as thorough investigation, just as much impartiality, and just as much expert knowledge as regulation of rates. Most of the laws for the regulation of railway operation that have been passed recently, such as full-crew laws, and laws to regulate the length of freight-trains, have been passed in the name of safety. But many of them do not seem intended to promote safety, and are not adapted to save a single limb or life. They increase the number of

men that railways must employ; and their only effect, so far as the public is concerned, is to tend to increase the cost of transportation. The lawmakers have passed many of them either ignorantly or to win votes. A lawmaker who permits himself to be bribed with the votes of labor is not a whit better than one who permits himself to be bribed with the money of capital.

One of the most important matters with which public regulation should deal is the relations between railways and other public utilities and their employees. The Federal Erdman Act, as recently amended by the Newlands Act, creates a mediation board of three members whose duty it is, when a strike or lockout of employees concerned with the operation of trains is threatened on railways, to tender their good offices to prevent a rupture. If mediation fails, the law provides for voluntary arbitration by a board composed of two representatives of the railways, two representatives of the employees, and two representatives of the public. While arbitration under the act is voluntary, proceedings may be brought in a court of equity to enforce the award. This law is an improvement over the original Erdman Act; but it is very defective in some important respects. The controversy between the Eastern railways and their engineers last year was submitted to arbitration by a board composed of five eminent and disinterested citizens—Oscar S. Straus, of New York; Charles R. Van Hise, president of the University of Wisconsin; Frederick N. Judson, of St. Louis; Albert Shaw, editor of the *Review of Reviews*; and Otto M. Eidlitz, former president of the Building Trades Association of New York—and one representative of the railways, Daniel Willard, president of the Baltimore & Ohio; and one representative of the employees, P. H. Morrissey, formerly head of the Brotherhood of Railroad Trainmen. This board, after a thorough investigation, fully discussed in its report the railway labor situation and recommended certain important legislation. Recognizing the great harm to the public that would be caused by a tie-up of the railways and the equal or greater harm that would result from a long series of unreasonable and unjust settlements of labor controversies, the board recommended the creation of national and State wage commissions and the prohibition of strikes and lockouts until after arbitration. Strikes and lockouts on public utilities should, in

the interest of the public welfare, be prohibited until after arbitration, at least; and each arbitration board should contain a clear majority of representatives of the public. There seems no very good reason why differences between public utilities and their employees should not be settled by the usual regulating commissions. They arbitrate differences between shippers and railways as to how much the shippers shall pay the railways. Why should they not also arbitrate differences between the railways and their employees as to how much the railways shall pay the employees? Is it not best that the same body shall look at both sides of the ledger—that the body that regulates the income of public utilities shall also regulate their outgo?

Regulation by commission often extends to the finances of public utilities, relating to the issuance of securities by them or to the profits they are permitted to earn, or to both. The most thorough and expert investigation of the subject of regulation of security issues ever made was that by the Railroad Securities Commission, of which President Hadley of Yale was chairman, and which rendered its report in 1911. That commission expressed the opinion

that it is far more important to ascertain just what are the facts concerning the issue of securities and what is actually done with whatever money has in fact been realized from the stock which is issued, than merely to make sure that the par value of the stock was paid in at the time of issue.

It said that if railway rates were materially influenced by the amount of the outstanding securities it would be desirable for securities to be issued under governmental regulation, but it believed

that the amount and face value of outstanding securities has only an indirect influence on the making of rates, and that it should have little, if any, weight in their regulation. . . . If railroad securities were to be issued only after express authorization of each particular issue by the Interstate Commerce Commission or other governmental agency, it is difficult to see how the government could thereafter escape the moral, if not the legal, obligation to recognize these securities in the regulation of railroad rates. . . . The possible consequences of such a system are too serious to warrant its adoption at the present time.

The Commission therefore confined itself to recommending legislation to require each railway to file with the Interstate Commerce Commission prior to the date of issuance

of any securities, a full statement of their character and amount; to furnish to the Commission, at such times as it may require, full statements of its financial transactions which the Commission may make public at its discretion; and to compile, for the information of its stockholders, such information and in such form as the Commission may require regarding its financial transactions during the fiscal year, and any interests that its directors may have in any transaction under investigation.

These are eminently wise recommendations; but they have not been acted on by Congress, which seems likely to pass more radical legislation—legislation which will be less wise in proportion as it is more radical. The purpose of regulation of security issues is to prevent over-capitalization of railways, with the evils attributed to it, some of them very real and some fanciful. But before we attempt to prevent over-capitalization it might be well to decide what it is; and few persons agree on a definition of it. A railway like the Chicago Great Western, with a capitalization of eighty-five thousand dollars a mile; gross earnings of eighty-five hundred dollars a mile; net earnings of but twenty-one hundred and twenty-nine dollars a mile, and neither paying nor earning anything on its stock, is obviously over-capitalized. Equally obvious is it that a railway like the Delaware, Lackawanna & Western, with gross earnings of forty thousand dollars a mile, net earnings of sixteen thousand dollars a mile, a capitalization of only thirty-three thousand dollars a mile, and paying regular dividends of twenty per cent., and frequently extra dividends, is greatly under-capitalized. Its property could not be reproduced for several times its capitalization. When we leave such extreme examples our definition of over-capitalization, and idea of what should be done about it, become a matter of the point of view. Do we mean by it that securities have been issued as a bonus or sold at a discount? That has been done, and it can be prohibited; but this would seriously interfere with the construction of new, independent railways, which seldom can market any securities at par except bonds, and bonds only when they bear a very high rate of interest or a stock bonus is given with them. Do we mean by over-capitalization security issues in excess of cost? But in few if any cases do we know or can we ascertain the cost of the original construction of

and the permanent improvements in our railways. Do we mean that capitalization exceeds the present cost of reproducing the railways? Congress has now provided for a valuation of railways by the Interstate Commerce Commission; and perhaps after it is made security issues might be based on it. But it is practically certain that if the cost of reproduction is given preponderant weight in the valuation, as the decisions of the Supreme Court indicate it must be, the valuations of most railways and of the railways as a whole will exceed their capitalization. Would we then authorize the railways whose capitalizations were smaller than their valuations to equalize them by issuing stock dividends? This question of regulating securities is much less simple than many think; and good sense dictates that for the present we should follow the conservative recommendations of the Hadley Commission.

Almost every time an order is issued by a regulating body regarding either rates or operation net earnings are more or less affected. There is a tendency to try to limit the profits of railways and other utilities to what is called a "fair return"; and there is an impression that the courts have held that this is the maximum they may be permitted to have. What the courts have held is not that public utilities may not earn more than a fair return, but that they may not be restricted to less. They have fixed a minimum, but not a maximum limit. What, if anything, a public utility may earn in excess of the so-called "fair return," usually placed at six or seven per cent., is a question for the regulating body to determine, and should be dealt with by it as a matter of public expediency. Public expediency dictates that the return permitted to be earned shall be sufficient to attract enough capital into public utilities to enable them to render good and adequate service; and that efficient management shall be rewarded with larger returns than inefficient management, because if it is not there will soon be no efficient management.

Once the public has created regulating commissions of satisfactory personnel and adequate powers it would seem that it should be content to let them proceed with the performance of their difficult, delicate, and arduous duties without unnecessary and harmful interference. This, however, has seldom been done. The legislatures, after having created the commissions, often have passed laws for the

regulation of rates and operation against the judgment, and even over the opposition, of the commissions. In some States the people themselves by referendum votes recently have passed laws to regulate matters whose regulation was within the special scope of the commissions' authority. This is contrary to sound principles of regulation by commission. Again, after having adopted special laws for the regulation and control of public utilities, we have applied to them Federal and (in many cases) State anti-trust laws, whose object is to enforce competition. Now, competition in rates, in the ordinary sense, and effective and wholesome public regulation are incompatible. You cannot have competition in, and effective regulation of, railway rates at the same time, any more than you can at the same time ride two horses going rapidly in opposite directions. The main aim of regulation of rates is to prevent unfair discrimination in rates. But competition inevitably leads to discrimination. When railways compete in rates they inevitably compete harder for the business of large shippers than of small shippers. That means secret rates and rebates, which are in violation of the Interstate Commerce Act, the provisions of which the Interstate Commerce Commission exists chiefly to enforce.

The true theory of regulation by commission seems to be this: The management of public utilities should be left in the hands of the owners or those that they choose to represent them. The regulating commissions should be made strong enough in personnel and statutory power to exercise corrective authority over the managements when the acts of the managements are unreasonable and unjust to the public. And such commissions having been created, they should be left free to perform their duties without interference from the public or any public body except the courts, and then only when it can be shown that the commissions have exceeded their constitutional authority in a manner plainly unreasonable and unjust to the concerns over which their jurisdiction extends. The success of regulation probably will be in proportion to the consistency, fairness, and integrity with which we carry out these principles.

Some people think that the courts should have no authority to review and set aside orders of regulating commissions unless they are confiscatory. It has been contended, not only that this ought to be, but that it is the law. The

making of rates, the Interstate Commerce Commission said, in its annual report for 1911, is a legislative function. "That being so, the discretionary power involved in reaching a conclusion that a particular rate is or is not reasonable for the future, or that a particular discrimination is or is not undue, is a legislative discretion which cannot be reviewed by the courts." The same reasoning would equally limit the power of the courts to review orders regarding service and other matters. The Supreme Court of the United States in a recent decision* has refused to accept this theory. It holds that such authority as the commission has claimed,

however beneficently exercised in one case, could be injuriously exerted in another; is inconsistent with rational justice, and comes under the Constitution's condemnation of all arbitrary exercise of power.

In other words, the railway or other public utility can always appeal to the courts, not only to determine if an order of a commission is confiscatory, but to determine if it is reasonable and based on substantial evidence. The courts may not annul an order of a commission unless it is plainly unreasonable. But when it is so they must set it aside.

The main principle on which the Government of the United States rests is that it should be a government of laws and not of men; that no one should have his life, liberty, or property taken without the right to be fully apprised of the reason and to appeal to the courts to determine if the taking is just. The doctrine that regulating commissions or other administrative bodies should be given any arbitrary power over public utilities is simply the doctrine that the property rights of the owners of public utilities should not be given the same protection as the property rights of other persons. It is a doctrine that seems inherently wrong and unjust; at least it is one that the Supreme Court has condemned as unconstitutional. On the other hand, the decisions of the courts leave an ample field for administrative regulating commissions to work in and to accomplish all of the great good which, with a suitable personnel and large powers, it is practicable for them to accomplish.

* *I. C. C. & U. S. vs. L. & N. R. R. Co.*

SAMUEL O. DUNN.

A SCHOLAR'S VIEW OF MR. BRYAN

BY J. KENDRICK KINNEY

IF there is a man about whom everything down to this hour has been said, about whom the writers of the inevitable post-obit notices can have nothing to add but some word about what may yet happen, that man must be Mr. Bryan. The account was early written up, and industrious accountants have since been at all times busy making entries, debit and credit, and it would seem that if at any moment all were ended nothing further could be needful but to close the volume—not even the formality of a struck balance, with the double-ruled final lines below.

There is, however, one aspect in which as man, as public man—man so human, so engagingly, so alarmingly flexible, and yet often so surprisingly and so reassuringly inflexible—he may be not unprofitably looked at now again, and with fresh particularity, with perhaps a better understanding and a juster appreciation. And this is upon that side of him which has been supposed to be best understood, has, at any rate, everywhere been taken for granted as the foundation of his wide and still most real popularity—his democracy. A democrat assuredly. His friends and admirers assert it, his enemies charge it, he himself avows it and glories in it. What, then, can be said about it, if one is not to deny it? But is the fact not rather that he is simply more deeply and essentially, in a word, more truly, a democrat than people who hastily and carelessly call him democrat, whether in praise or dispraise, are wont to suppose? What else is to be spelled out of the two chief episodes—if a thing that lingers and smolders, that bursts out over and over afresh, and seems to be ended only to begin over again, can be called an episode—in his still short tenure of his Secretaryship of State; his continuance on the Chautauqua platform; his transference of ambassadorships and foreign

ministerships from old and tried Excellencies to persons who have offended by being his friends, or persons who have gone wrong, it would seem, not less seriously, by letting him be theirs? Upon the first of these there has been much comment in the newspapers, in some quarters magisterial, awful, reproof administered with a cold severity which no self-respecting public official could encounter without pangs but little less bearable than those of official death. What, a Secretary of State going about in the rôle of barnstormer, playing at one-night stands, preceded by the magic-lantern and followed by the hurdy-gurdy man and his dancing bear! Of the matter of changes in the diplomatic service, a matter newer to notice, not so much so far has been said, but solo voices here and there, if all signs do not fail, will presently be an intermittent chorus.

The merits of these criticisms of one whom even the least friendly seems not to regard as other than an honest public servant are inviting matter for discussion enough. The Secretary has said that he did not find his official salary large enough to meet the expenses of his official life, and that he proposed to make up the deficiency by earning money in honest ways that have long been open and familiar to him, rather than by dipping into his savings. To this it has been answered, on the one hand, by plain people who think only of plain rural requirements, and are very imperfectly informed of the money-consuming demands of high official life, that seventeen thousand dollars, or whatever the sum is, ought to be enough for him, and, on the other hand, by people who know what those demands are, that such an officer takes his office with all its burdens, and, if the emoluments are not enough, he must make them enough out of his own pocket, or step down. That never, oh, never, however openly and honestly, must he earn anything in any such way, even if in his office he has at times nothing to do but sit still in his office chair? Where, then, would be his official dignity? And the honor of his country? He might have argued any kind of case in court for any kind of a client and taken any kind of a fee for it, and no dignity impaired. Or he might have written a trumpery novel and taken his royalties, and the honor of the country would not have suffered. Nay, if the novel had been bad enough to be a "best seller," and the royalties therefrom sufficient, the honor of the country would have been augmented by the glory of the author. But to

talk worn-out moralities to crowds of Chautauqua yokels, faugh! It was like going out to dinner with the wrong coat on, or like wearing a paper collar, or no collar at all—acts of the deepest dye in a society well advanced in the process of lacquering—ten years, say, or fifteen, or twenty-five.

The criticism of his action in his own particular department, in removing and appointing in the diplomatic service, is a matter about which there might well be an extended discussion, a discussion which, at its widest, would involve the merits of the whole imposing diplomatic system. That, however, is a matter too large to be here opened. Nor is it necessary to go so far, to say what one might well most wish to say especially of the offending Secretary and his reprobated action. It is hardly to be supposed that he holds that system in a regard so slight that he could wish wholly to destroy it. It cannot be supposed that he would proceed quite open-eyed in any manner which he knew, or believed, or had reason to believe, would make it materially or noticeably worse than it has been. It cannot be thought that for no good public reason at all he would take out of the service those officials who know most about it, merely to put in persons who know little or perhaps nothing about it. He is hardly so simple as to see only that here are his good friends and there the good offices, and that the good offices would be good for the good friends, however it might please him to please them. He is not ignorant that the conferment of public office is a public matter upon which a public pretty largely composed of people who are themselves office-seekers is certain to have a vigilant eye, and about which it is certain to have a prompt opinion. And if, in this, he is proceeding in wanton and thoughtless disregard of public opinion, then is he as Secretary a changed man, whose conduct now and hereafter must be judged with no reference to what we have hitherto known of him. The public he has sometimes opposed, with courage and constancy, even where it has been pretty certain that he would be the loser in doing so, but flouted—when ever before now?

If, indeed, one held a brief against the Secretary, and, like the common prosecuting attorney, felt that he must convict or be himself convicted, why, he might say any of these things, and do his best to prove it. So if he were the rampant partisan, religiously bound to see nothing but evil on the other side. But the fair supposition would perhaps

be that the Secretary has had fair reasons for what he has done—reasons not perhaps conclusive, but reasons, reasonable reasons. It might be supposed that he had in each case really and fairly looked at the incumbent and looked at the candidate, and concluded that, all things considered, a change would improve the public service. But if a more specific, reasonable, not untenable theory of his ground of action were to be sought, in good faith and without prejudice, it might be supposed that he had perceived, or thought he perceived, that the powers of the department, from the necessity of the case somewhat discretionary, had come to be too freely, too loosely, too independently exercised in remote, or imperfectly known and understood, parts of the world, and that it would serve a good purpose to place abroad by degrees a body of men who would be more amenable to central direction and more ready to invoke it; men who, if wanting in experience, would be by so much the less likely to have personal policies and plans to which the government, bound always to make final settlement, sometimes with blood as well as money, ought to be by no means silently, and perhaps secretly, committed.

The course of affairs in Mexico in recent perilous and anxious months may have been to him but a sharper reminder of somewhat similar conditions in many places, conditions in some degree noticeable, and wherever found in some degree objectionable, in some degree dangerous. As to Mexico, it is very possible that there would have been less peril and less anxiety, that there would have been fewer crimes committed for us or for anybody to answer for, and an as yet undisclosed sequel less troublesome to us and to the Mexicans, if our diplomacy there had been from the beginning more effectually directed from Washington, and less determined by the experienced man on the spot, a man who, if not competent in proportion to his experience, was, it would seem, by more than so much more confident and more ready to assume responsibility. Better than such representation, with its involved possibilities of misadventure, better than this, would be the old practice in which the ambassador was a person sent abroad on occasion, specifically instructed as the occasion demanded.

If, indeed, every ambassador were like our good friend, the late Ambassador from England, modest as well as confident, discreet as alert, attentive to his duties, but meddling

with naught else, not too firm to be wisely pacific, why, then, an ambassador in residence would be most useful in every town in the world. But better nobody, or an obedient non-entity, with a course directed in every detail from home, than a resident official beyond measure self-sufficient, meddling, burrowing in affairs that are none of his; passing over his plain duties for the making of history as he thinks it ought to be made, or for the serving of private interests that are, without his assistance, all too well served and too powerful for the public welfare—an official experienced, indeed, but the more ready for all these defaults and mis-carriages for that very reason. And a well-meaning Secretary may be excused if he thinks so. Experience may give familiarity with the back stairways and underground passages of diplomatic practice, but these the honest man will not use, the dishonest must not.

But it must still be thought that more potent with the Secretary than aught else, more potent than any mere cold perception of any of these things, has been his innate feeling as a man in his nature democratic. Of course one can never make entirely sure that he knows Mr. Bryan, who in this perhaps only falls into the largest of all categories. One can never make sure that he altogether knows any one, even his most open and intelligible self. But Mr. Bryan especially, a man more warmly liked and more warmly disliked, perhaps, than any other American of his time, good people and wise people, as well as people neither so good nor so wise, dividing about him quite impartially, and apparently upon the same body of qualities, for superficially he is a man more than commonly knowable. But one can hardly be wrong in thinking him a democrat, more even than he himself knows, a democrat in his feeling, through and through, a democrat because he was made so when the clay was on the wheel, and because he cannot help himself.

There are men who perhaps quite honestly think themselves democratic, men who, going a journey, for instance, will, upon occasion, hurry forward to shake the engine-driver by the hand, to thank him for his driving and the fireman for his firing, or perhaps to mount the cab and show the one how to pull the throttle and the other how to handle the shovel, but who, notwithstanding these acts of outward friendliness and freedom, are still aristocrats altogether. They have their houses in town and country, their carriages,

their automobiles, and riding-horses; they keep their butlers and valets; they have their social set, and are very careful about it; they proceed—in a word, in all ways, they think and they feel, not as men, mere men, but as members of what they in their hearts regard as a superior class or order. In these acts they make no implicit declaration of social equality. They condescend, and mean to condescend. Or they proceed simply with the nonchalant assurance, the easy superiority, of the accustomed master in his dealing with the servant—of one to whom Hodge is Hodge, and is no more to be approached with any shade of the formality that holds, more or less, between equals than is the submissive horse that one is about to bestride.

But, if we mistake not, this is not Mr. Bryan at all. If we understand him, it gives him a wholly genuine pleasure to meet ten miscellaneous, presumably honest, people, and heartily shake their ten right hands. And if they will organize themselves into an audience, it will give him perhaps as much of the same sort of pleasure to improvise a platform and deliver to them a pleasing and edifying little lecture. That is the pleasing way of the man, as natural to him as his breath.

What must be the consequence of bringing such a man, a convinced democrat, a democrat from the heart outward, into the first place in the Department of State? Bring any man of definite convictions, of warm and strong feelings, into controlling relations to a body of men, with power to shape, to create and recreate, and his clear impulse must be to make the body over more or less in his own image, to affect them with his own convictions, to warm them and move them with his own feelings. So of Mr. Bryan. With his democratic convictions, his genuinely democratic feelings and sympathies, he finds himself in relations with a body of men which has become by degrees something resembling a caste, class, or order, a body grown by degrees, and, with the more recent adoption of the notion of permanency in the service, more and more markedly undemocratic, aristocratic. In a sense the diplomatic body is a class or order by itself, a class the constituent parts of which act and react only or chiefly upon and among themselves, and are comparatively little influenced by what is moving in the common stream. This is universal plain fact. But the American diplomat, residing abroad, perhaps for the first time,

brought under the influence of the world-old ideas, ideas in some ways attractive, seductive, ideas of the old order, aristocratic ideas which are always and everywhere hostile to democracy—and for very plain reasons, some of them good reasons. This the Secretary sees, must see. He sees an ambassador yonder, living in a grand house, in a grand street, with no pressing duties of the larger public sort, surrounded by American millionaire duchesses and their millionaire sisters, and by the junior members and hangers-on of the newer aristocracy of the country, occupied, if a person with almost complete leisure can be said to be occupied, himself and his family, with idle and ennuied comings and goings in an idle and ennuied society—dinners and after-dinner speeches (not of the cleverest), dancing parties, card parties, theater parties, garden parties, archery meetings, calls on my lady, calls from his grace or his excellency, and what not—to the end of each empty and wearisome day and beyond. He finds another, if not ‘eating cold veal with the Kaiser at Kiel,’ then doing as lavishly and as showily as possible, and with all possible aristocratic distinction, the next less magnificent thing. It is not given to every mere mortal to eat cold veal in the imperial presence, but what would you but do what you can? And so on, and so on, there and there and everywhere. Where it is not a return to one form of the old, old foolishness, it is a return to another, and of foolishness there is no end. The more we are changed to the thing democratic the more we are the same old undemocratic thing that the world knew before we began changing.

Time was, not so long ago, when the American representative abroad, not then an ambassador, but a mere minister, was simply a plain citizen of his country specially employed by his countrymen to look after certain of their interests abroad, and after such of themselves as might need the support of their country, and there for the time being housed and domiciled, not in a palace like a prince of the blood, but with an entirely respectable plainness, in quarters perhaps not much finer than those of Karl August's great counselor whom we know as one Goethe, or those of the one-time Secretary of England's great Protector. So modestly roofed and sheltered, or if better, then only in proportion with the times, were our Franklin, our Adamsses, our Ticknor, our Bancroft, our Lowell, and many others of qualities that we are proud to remember.

In those days it was never asked if a man about to be named for a mission had a private fortune which would enable him to support a splendor of living that would make him *persona grata* at the court of a sovereign with a taste for magnificence, a taste which ambassadors and other attachés of his imperial establishment might more prudently take note of. Was he a man, man of honor unadorned and undecorated, with the manly acquirements of statesman and scholar? And time was then that the student at the university, the struggling young musician, the young artist innocently in difficulty, had one strong friend not too far away whose door would be opened to him without any too crushing ceremony. But now—tardy protection might be accorded, perhaps, if the young American were about to be bow-stringed for sitting or not sitting cross-legged somewhere, or to be marched off to Siberia for being blond like a German, but the old ready, unceremonious, loan of the friendly official hand to the plain person in his far-away difficulty—is it not gone as completely as the days of the Pharaohs? The minister was very often, perhaps rather commonly, a human being, but the ambassador!—as we go up do we not come into the region of the inaccessible, where are clouds and mountain-tops, and is not Olympus itself a mountain? How should there be any going up there, or how should any help be coming down—unless, indeed, you have large interests ‘in big business,’ which the gods must take care of?

The plain, depressing fact is that as we have grown older the service has become markedly less democratic, more aristocratic, and therefore less in harmony with what we once proudly and most justly boasted. And if what has been here said of the Secretary expresses something like the fact about him, it would seem like a reasonable explanation of the changes in the personnel of the service, maugre the new principle of permanency, for which he is held responsible, that he has been actuated, not by the pressing nature of his political debts (if he has any), not by the improper urgency of his personal friendships, not by any old, well-exposed, and long-condemned notion that to the victor belong the spoils, but by a perception of the fact that the service, in its moving principles, its spirit, its temper, has in truth swung wide from all that is most good in democracy—its notion of human brotherhood, its unstinted, hearty, heart-warming,

mutual helpfulness, the spirit which neither takes in the rich because they are rich, nor excludes the poor because they are poor. It strains none of the evidence, so far as we see, to suppose that he has perceived this change in the spirit of the diplomatic body, and would amend it, as Mr. Daniels has apparently seen the kindred phenomenon in the navy, or perhaps Mr. Garrison in the army. All the old influences are still alive in the world and ready to move in and begin working wherever they find room to move into and to get the old machinery set up.

In these times, and all times here in America, where the politician is ever courting the giver of political power, there is talk enough about 'the people,' enough and much more than enough, consider what it really is: the note of a genuine sincerity is seldom struck. But the ideal of a great, free democracy, a social body in which every voice, even the thinnest and feeblest, has a right to a respectful, or at all events a full and patient, hearing, and in which every man has his equal right to mount in the scale of being—to gather wisdom, to acquire culture, to add virtue to virtue according to his natural capacity—is nevertheless a noble, an ever-inspiring ideal. Whoever will sneer at this as a mere flourish of words—well, perhaps the most we can do for him is to let him sneer, if it comforts him. His deep-down comforts must be few. Let him make the most of them. There are those, and in them is our safety, whose hearts still warm to it.

J. KENDRICK KINNEY.

THE RAILROAD MEN AT PANAMA

BY THEODORE P. SHONTS

It was toward the latter part of March, 1905, while on a cruise among the West Indies on board the United States despatch-boat, *Dolphin*, with Senator Hale, of Maine, and Representatives Cannon of Illinois and Meyer of Louisiana, as guests of the late Paul Morton, Secretary of the Navy, that I received a cablegram from President Roosevelt asking me to accept the chairmanship of the commission then in process of formation to construct the canal across the Isthmus of Panama. The President's message was delivered on board the *Dolphin* at Guantanamo, our naval station on the southeastern coast of Cuba, and I had time to consider the proposition during the several days that elapsed before we went ashore at Fernandina, Florida, to take train for Washington. Knowing as little about the big project at Panama as any one who kept track of current events at all, I was nevertheless aware that the first commission, of which Rear-Admiral Walker was chairman, had not—to quote Secretary-of-War Taft—"so developed itself into an executive body as to give hope that it might be used successfully as an instrument for carrying on the immense executive burden involved in the construction of the Canal." I recognized the shrewdness and wisdom of the President in choosing a railroad man to shoulder the "executive burden," for, after all, the big problem of the Canal was one of transportation—the moving of the excavated material from the cut to the spill banks, and the moving of sand, rock, cement, and iron to the points for the location of the locks along the route. The engineering problem was one of magnitude rather than complexity. If the project had been to do a similar job in a developed country and a temperate climate, it would have been attended with no especial difficulties;

the fact that conditions approximating modern development had to be brought into existence in a tropical wilderness two thousand miles from the base of supplies for the work itself and the men performing it, was what made it interesting.

While the acceptance of the President's offer meant material sacrifice, I considered it a patriotic duty to accept, provided only that certain views I held, whereby I believed that I might achieve success, were met. And I own that I felt some pride in being chosen for an important part in a historic enterprise fraught with such enormous potentialities to the entire world and for all time. The views referred to I set forth to Mr. Roosevelt in his office at the White House, the day after my arrival in Washington from Fernandina.

"Mr. President," I said to him, "I have an idea that when you learn the conditions under which I am willing to become chairman of the Isthmian Commission you may withdraw your offer. With a body composed of so many different members with diversified duties that are likely to conflict on occasion, there is bound to be friction so long as responsibility is divided. I should not care to accept the chairmanship of this commission, therefore, unless it is understood that I am to have absolute authority as to both men and measures in the work of the construction of the Canal—subject to your approval, of course."

Mr. Roosevelt's response was characteristic. He rose and threw open the door of his office to the newspaper correspondents, whom he had summoned for the purpose of acquainting them with my decision—provided it should be acceptance of the post he had offered.

"Gentlemen," he said, "allow me to introduce to you the chairman of the Isthmian Commission, who is to have absolute control of the construction of the Panama Canal."

It was a propitious outcome of my acquaintance among railroad officials that I was able to put my hands upon men especially fitted to become heads of the various departments of the Canal work. Following the resignation of John F. Wallace as chief engineer, I had the good fortune in June to secure in his place John F. Stevens. Mr. Stevens had been active in the construction of the Great Northern Railway, and afterward in its operation. He severed his connection with the Rock Island Railroad as vice-president

in charge of operation to accept the position of chief engineer of the Canal. On his resigning this position, after having succeeded me as chairman of the Isthmian Commission in March, 1907, he became vice-president in charge of operation and maintenance of the New Haven lines, and subsequently president of a railroad constructed by him across the State of Oregon for the Hill system. Mr. Stevens's first assistant at Panama was J. G. Sullivan, who is now chief engineer of the Canadian Pacific Railroad. David W. Ross, who had been purchasing agent and afterward superintendent of transportation of the Illinois Central Railroad, left the latter position to become head of the Canal's purchasing department, and is at present vice-president of the Interborough Rapid Transit Company of New York. Edward J. Williams, paymaster of the Chicago & Northwestern Railroad, became disbursing officer on the Isthmus, and up to date has paid out two hundred and fifty million dollars without an error. From the Chicago & Rock Island road, where he was assistant general manager, came W. G. Bierd to take charge as general superintendent of the operation of the Panama Railroad. The Oregon Railway and Navigation Company, a part of the Harriman system, contributed its general auditor, E. S. Benson, who assumed control of the accounting department of the Canal construction. W. G. Tubby, for years general storekeeper of the Great Northern Railroad, left that position to perform the same duties at Panama. Jackson Smith, who, as railroad contractor and in other capacities, had had a very extensive experience with construction labor, took charge of the department of labor and quarters. Richard Reid Rogers, who was general counsel to the Isthmian Commission and the Panama Railroad, still holds the latter position, and is also general counsel to the Interborough Rapid Transit Company. W. Leon Pepperman, who had formerly been assistant chief of the Bureau of Insular Affairs at Washington, was Chief of the Office of Administration of the Commission, and to-day holds the position of Assistant to the President of the Interborough Rapid Transit Company.

Colonel W. C. Gorgas was at Panama when I became chairman of the Isthmian Commission, and his splendid services as sanitation officer have given him an international reputation. Charles E. Magoon was the Civil Gover-

nor of the Canal Zone and a member of the Commission. The other members were Mr. Stevens, Rear-Admiral Mordecai T. Endicott of the Navy, General Peter C. Hains, a retired officer of the Army, Colonel Oswald H. Ernst, of the engineer corps of the Army, and Benjamin M. Harrod, all capable and efficient men.

The magnitude of our task did not diminish as we became familiar with details. Our first proposition was the creation of a modern state in a ten by fifty mile stretch of tropical wilderness, scourged by deadly fevers and pestilence, and practically uninhabitable by natives of other climes. Obviously it would be a criminal as well as an uneconomic policy to begin the actual construction of the Canal while conditions were such that the laborer did his work at the peril of his life; and, in spite of the fact that the Fourth Estate of America was unanimous in the view that because we did not at once begin to "make the dirt fly" we were wasting time, we adhered to the determination to render the Isthmus habitable before beginning to dig, rather than bring men there to die.

The Commission was also charged with the making of an investigation as to the respective merits of a sea-level or a lock canal at Panama; with the designing, purchase, and installation of the power and machinery with which the great ditch was to be dug; with the determining of the character of the labor to be employed; and recruiting and carrying it to the Isthmus, and with the rehabilitation of the Panama Railroad, which was an instrument essential to the construction of the Canal.

When the Commission took charge at Panama there were almost as many of the white employees leaving the Isthmus as were coming there. In a recent address before the Oregon Society of Engineers, Mr. Stevens thus describes the situation:

When I reached Panama in July, 1905, conditions could have been much worse, but they were bad enough. No real start had been made at any effective work on the Canal proper, no adequate organization had been effected, sanitary reforms were really just beginning, little new plant had been provided, and little that was absolutely necessary had been ordered. In the organization that existed no co-operation was apparent, and no systematic plans, as far as I could discover, had been formulated toward the carrying out of the work along the lines promising any degree of success. And—worse than all—over and above, in the diseased imagination of the disjointed force of white employees, hovered the angel of death in

the shape of yellow fever, a number of cases of which were then prevailing, and from which several deaths had occurred. What many of the intelligent men seemed to expect was an order from Washington to abandon the work and go home. To provide housing for this army, to properly feed, to instil into them faith in the ultimate success of the work, to weed out the faint-hearted and incompetent, to create an organization fitted to undertake the tremendous work, and to fill its ranks with the proper material, was a task of heroic proportions. No one will ever know, no one can realize, the call on mind and body which was made upon a few for weary months while all the necessary preliminary work was being planned and carried forward, and no attempt was or could be made to carry on actual construction until such preliminaries were well in hand. And the only gleams of light and encouragement were the weekly arrivals of newspapers from the States, criticizing and complaining because the dirt was not flying.

In order to make the Canal Zone a place fit to live and work in, there were three fundamental tasks which had to be performed in advance of all others—the thorough sanitation of the Isthmus; the provision of suitable habitations for all classes of employees, from heads of departments to negro laborers; arrangement for a food-supply which would afford to all employees opportunity to obtain meat and vegetables at reasonable cost. When the United States began the work of sanitation there were no systems of water-works, of sewerage, or of drainage on the Isthmus. The people depended for their water largely on unprotected cisterns filled during the rainy season, and on barrels supplied from near-by streams, all breeding-places for mosquitoes. The filth of ages had accumulated around the dwellings and in the streets, undisturbed except when washed away by torrential storms. Pools of stagnant water had existed for years in proximity to dwellings, and insect-breeding swamps lay undrained adjacent to the cities and many of the towns.

Under the direction of Colonel Gorgas thirty-five hundred men were put at work on sanitation. Panama, Colon and the towns, villages, and labor camps in the Canal Zone were fumigated over and over again, at first house by house to stop the spread of the disease, and afterward as units, one city, village, or camp at a time. Yellow fever was extirpated in less than four months, and there has been no return of the disease. In June, 1905, there were sixty-two cases of yellow fever on the Isthmus: in July, forty-two; in August, twenty-seven; in September, six; and in October, the worst month of the year for the disease, three, not one of these

last among the employees and all originating many miles from the line of the Canal. To understand what was accomplished by our sanitary work it is only necessary to compare the death-rate on the Isthmus during the French occupancy with that after Colonel Gorgas began to "clean up." In August, 1882, the second year of the French occupancy, with a force of nineteen hundred men, the death-rate was one hundred and twelve per thousand. In August, 1905, with a force of twelve thousand men, there were only eight deaths, or two-thirds of a man per thousand. The average daily sick-rate among the employees of the Commission during the ten months from January 1, 1906, to October 31, 1906, was twenty-eight per thousand, which was no higher than might have been expected in an equal number of laborers engaged in construction work in any part of the world. So far as general health conditions were concerned, no stronger evidence of their favorable character may be adduced than the fact that among about six thousand white Americans, including women and children, on the Isthmus during the rainy season of 1906—August, September, and October—there was not a single death from disease.

Within our first four months on the Isthmus we established a hospital system that included a large hospital at Colon, another at Ancon, and a number of smaller hospitals along the line of the Canal. The one at Colon was built on piers over the Atlantic Ocean, and patients there had at all times the benefit of cool and invigorating sea air. The hospital at Ancon was, and is, one of the largest and best-equipped in the world, situated on the hill above Panama and commanding a superb view of mountains and sea. Colonel Gorgas organized a staff of physicians and nurses inferior to none in civilization. President Roosevelt, in a special message to Congress written after his personal inspection of the Isthmus, said of the sanitary work there that "the results have been astounding," and that "the conditions as regards sickness and the death-rate compare favorably with reasonably healthy localities in the United States."

During the railroad men's régime on the Isthmus we converted the city of Panama, which on our arrival was without pavement, sewers or water-supply, into the best-paved, the best-watered, and the best-sewered city in Central America or the northern half of South America. We constructed for

it a great reservoir with an abundant supply of pure water, and installed for it a fire service that on two occasions has saved the city from destruction. We also constructed for Colon a great reservoir, with a capacity of five hundred and eight million gallons. We paved the main street of Colon with vitrified brick, and raised the surface of other streets and covered them with crushed rock. Before we left the Canal Zone it was as safe a place to visit as most other parts of the world, and much safer than many parts of the United States, so far as danger from disease was concerned. Observance of sanitary laws and regulations was compulsory and rigidly enforced. Whenever an employee of the Commission was discovered with too high a temperature, he was compelled to go to the hospital, whether he wanted to or not. To Colonel Gorgas is due all the praise for the triumph of science over disease on the Isthmus of Panama, but he would not have accomplished the magnificent results achieved there without the active and sympathetic co-operation of the Commission. The United States paid out something like four million dollars in less than a year in the sanitation of the Canal route, and Colonel Gorgas has said that he would not have dared to authorize the expenditure of that great sum on his own initiative.

The problem of labor for the construction of the Canal was almost the paramount one. The clerical forces and skilled artisans were recruited in the United States, though at first some difficulty was experienced in securing the right class of men, owing to the reputation of the Canal Zone as a disease center. To supply the unskilled labor was a far more perplexing task. During the twelve years the French had been operating on the Isthmus, they had depended upon the West-Indian negro for this class of work. We soon found that if the Canal was to be completed within any reasonable limit of time or expense, some other source of obtaining labor must be developed, not only to obtain a better grade and a surer supply, but to eliminate the sense of security the West-Indians possessed in the assurance that they controlled the situation by virtue of a labor monopoly. Agents were sent to Europe, and they succeeded in directing to the Isthmus a stream of Spanish, Italian, and Greek laborers, though the negroes have all along far outnumbered the others. The erection of living-quarters for the employees and supplying them with good food and pure water

was accomplished during the same period that the sanitation of the Canal Zone was carried on. Employees of every grade, white and black, were given, free of rent, with free lights and fuel, comfortable furnished houses. While many hundreds of these houses, of various classes and capacities, were taken over from the French, all of them had to be rebuilt and made sanitary, and in addition new dwelling-houses and living-quarters, hotels, restaurants, club-houses, schoolhouses, court-houses, post-offices, jails, commissary buildings, fire-engine houses, shops and railway buildings had to be provided. Along the line of the Canal we built a succession of trim villages, containing populations ranging from a few hundred up to five thousand each. At Gatun, the site of the great dam that now holds back the waters of an inland lake one hundred and sixty-five square miles in extent, a village sprang into existence within four months, supplied with pure water and a modern sewerage system. At Culebra, situated upon bluffs overlooking the great cut and surrounded like an amphitheater by the rising slopes of beautiful hills, a town of five thousand inhabitants came into being with its modern sewers and water-supply, on a site that a year and a half before was covered by an impenetrable jungle. Among other towns and villages we constructed along the route of the Canal are Empire, Las Cascadas, and Gorgona, and in every one of these centers of population there is, in addition to the quarters and mess-halls for the employees, a club-house, or recreation building, each with its gymnasium, its reception, card and billiard rooms and its assembly-hall, managed in conjunction with the Young Men's Christian Association by boards of directors selected from among the men themselves.

The food-supply proved a serious corollary of the labor proposition. If we could not feed the men, we could not build the Canal. Owing to the fact that the Panama natives never look beyond their present necessities, no food ever accumulates on the Isthmus, and in the summer of 1905 this disastrous condition was augmented by an almost total failure of the crops for the two preceding years, by the abandonment by agricultural laborers of the farms back in the hills for work on the Canal at better pay for shorter hours, and by quarantine of the port of Panama because of bubonic plague, which prevented the delivery of foodstuffs from neighboring provinces. We were thus brought face to face

with the problem of feeding twelve thousand men and their families, and our nearest available market was two thousand miles away. We immediately arranged to open local commissary stores at every important labor camp, to provide mess-houses, and to furnish food, both cooked and uncooked, to all employees at cost. Orders were cabled to have our steamers equipped with refrigerating plants; a cold-storage plant was erected at Colon, and refrigerator-cars were purchased for immediate shipment to the Isthmus, thus establishing a line of refrigeration from the markets of the United States to the commissary stations along the line of the Canal. The net result of these efforts was that all employees were afforded opportunity to obtain an abundant supply of wholesome food at reasonable prices. We learned from experience that no price for food was sufficiently small to induce the West-Indian laborers to eat enough to keep them in good physical condition. They were offered cooked food at ten cents per meal, and the uncooked material at a price reduced by the cost of cooking and service. Both plans resulted unsatisfactorily. We even tried giving them uncooked food free; they declined to go to the trouble of cooking it. Next we had it cooked and offered it to them free, when for the first time they ate heartily. The plan was then adopted that is followed in railway and other construction work in this country, and we paid the West-Indians a fixed wage that included three meals per day.

Simultaneously with the sanitation of the Isthmus and the erection of comfortable living-quarters for the employees and the establishment of a refrigerating system to supply them with wholesome food, we reconstructed the Panama Railroad, the most valuable instrument to the construction of the Canal acquired by the United States in its purchase from the French at Panama. However, the modernizing of the road was a tremendous task. It had but a single track, practically no sidings or station buildings, a worn-out telegraph line, no terminals worthy of the name, and motive power and rolling stock that were obsolete twenty years before. Canal and commercial traffic, local and through, were nearly at a standstill; thousands of tons of through freight were piled in cars and warehouses or on the docks, and some of these shipments had lain undisturbed from three months to a year and a half, in many instances even the shipping papers and freight records having been

lost. Had the docks, wharves, warehouses, terminal yards, locomotives, and cars of the Panama Railroad been in good repair, they would still have been entirely inadequate to handle and care properly for the small commercial business the road was transacting. The existing facilities, poor as they were, were rendered less effective by the entire absence of any mechanical appliances on the docks for receiving or discharging cargo from the steamships. The negro laborer was the only power employed; he was at once the hoisting-machine and traveling-crane. Imagine conditions, then, when the accumulated orders in the States for Canal material began to arrive in large quantities on both sides of the Isthmus! The situation was aggravated while the congestion was at its densest by an increase of fifty per cent. over the year before in the commercial business of the road, and at the moment when we believed that our predicament could not possibly be worse an outbreak of bubonic plague at La Boca resulted in two consecutive quarantines, completely closing that outlet for sixty days. Furthermore, the personnel of the Panama Railroad as it was turned over to us had not been educated on modern lines, and was completely paralyzed when confronted with the onerous conditions caused by the congestion of freight. It was necessary, therefore, to begin at once the construction of new wharves equipped with modern mechanical appliances and of large terminal yards at both ends of the road; of extensive warehouses, of suitable machine shops, and of a modern coal-hoisting plant. New and more powerful locomotives and larger cars were purchased for both passenger and freight service. The personnel of the road was reorganized, and into the more important positions we put experienced, energetic, up-to-date railroad men from the United States, where, indeed, we recruited our entire complement of yard and train masters, superintendents of transportation, train-despatchers, and master mechanics, and an army of conductors, engineers, and switchmen. We double-tracked the road with heavier steel rails, strengthened the bridges to enable them to withstand the weight of our heavier equipment, and in 1907 the line across the Isthmus of Panama was in a condition to bear favorable comparison with the average of the best railroads in North America.

Of course the most important question before the Commission was as to whether the Canal should be of the so-called

sea-level or the lock type. The Act of Congress which authorized the President to proceed with the construction of the Canal gave him almost unlimited discretion as to details of route, type, and size, the principal limiting clause being that it "shall be of sufficient capacity and depth as shall afford convenient passage for the vessels of the largest tonnage and greatest draft now in use and such as may be reasonably anticipated." The discussion on this question, which was largely one of engineering technicalities, occupied many months, and the decision we arrived at is summarized in the following extract from an address I delivered before the Chamber of Commerce of Atlanta, Georgia, in May, 1906:

The present Commission believes that the type of canal the people of this country want is the one which will provide adequate and safe passage for the largest vessels now on the seas, or which can be reasonably anticipated, and which can be constructed in the quickest time and at the least cost. It has, therefore, recommended the construction of an eighty-five-foot-level lock canal, for the reasons that, first, in its judgment, "it can be completed for about half the cost, and in about half the time, of the so-called sea-level canal; second, because it will be adequate for all the commerce which can reasonably be expected to seek that route during the next one hundred and fifty years; third, because if the tonnage should increase beyond such expectation it can be enlarged more cheaply and more quickly than the so-called sea-level canal; fourth, because, from the operating point of view, large ships can be put through more safely and more quickly than the so-called sea-level; fifth, because, when the construction is added to the estimated cost of operation, the saving to the Government every year will be two million three hundred and forty thousand dollars; sixth, because, when built, it will be a completed canal, completed in every appointment, for all requirements for generations to come."

It had been agreed between Mr. Roosevelt and myself when I accepted the chairmanship of the Isthmian Commission that I might withdraw from that position, with his sanction, so soon as the construction of the Canal was under full headway. I did not, therefore, sever all my railroad connections, although for two years I devoted my entire physical and mental energies to the problems of the big ditch. My resignation was not handed in until thirty-five thousand men—within five thousand or six thousand of the maximum number employed—were on the Commission's payrolls; all the machinery essential to the completion of the Canal, except that for the lock construction, had been designed, constructed, assembled on the Isthmus and put into operation; the more serious difficulties attendant upon in-

dustrial operations in the torrid zone overcome, and the entire project well under way.

Colonel Goethals's splendid achievement in carrying to what is already practical completion, without setback or delay, without a hitch of any kind or a hint of scandal, the great work of the construction of the Panama Canal, while demonstrating the thoroughness with which the railroad men prepared the way on the Isthmus and the care and precision with which their plans were laid, is one of which the United States Army may well be proud. Incidentally it may be remarked that so wisely considered was the order of President Roosevelt, issued to the Commission of which I was chairman in November, 1905, that it has not since been necessary to amend it in any important particular. The order was as follows:

The organization shall consist of the Chairman and the following heads of Departments: Chief Engineer, General Counsel, Chief Sanitary Officer, General Purchasing Officer, General Auditor, and Manager of Labor and Quarters. The duties of each shall be as follows:

1. The Chairman shall have charge of all Departments incident and necessary to the construction of the Canal or any of its accessories.
2. He shall appoint the heads of the various Departments, subject to the approval of the Commission.
3. The head of each Department shall report to and receive instructions from the Chairman.

This order, with a subsequent minor amendment, is that of the present organization on the Isthmus, except that there have been changes made in the titles of the heads of departments to conform with military usage. It was this concentration of supreme authority in one man that has enabled Colonel Goethals, as head of the military régime at Panama, to carry on and complete in such manner as to command the wonder and admiration of the world the work planned and begun under the railroad régime, as it enabled me—encouraged by the unfailing support of President Roosevelt and sustained by the loyal and able co-operation of the other members of the Commission and heads of departments—to accomplish such vast results in so short a time.

THEODORE P. SHONTS.

THE GREAT STAKES IN CHURCH UNITY

BY CALVIN DILL WILSON

ARE there any selfish aspects in proposals for church unity? Who would benefit most by it? Would a United Church be a party triumph? Would it exalt the ambitious? Are any leaders aiming to form a church trust? If any proposed plans came to fruition, would the power and wealth of the several churches, as they now exist, fall into the hands of men who are now the leaders of any one branch of the church? Are ecclesiastics ever ambitious? Are any ready to seize the reins of power? Are any ecclesiastical Men on Horseback abroad? Such questions are inevitable, however harsh they may seem, so long as any church party, in discussing measures for the union of the churches, insists upon its own chief tenet, or tenets, as essential to the merger.

It is time that the American people should be awakened to the issues involved, the grosser as well as the spiritual issues. Few subjects so weighty and important to us as a people are now before the public as the future of the churches in our country. This is the affair of all Americans, for it involves the moral and spiritual training of the nation. There is to be a better spiritual condition or a worse. There is to be growing enlightenment and charity or religious confusion or a spiritual tyranny.

There is a tendency to divert attention from our own religious problems to the problems of Christendom at large. The union of Christendom as a whole is another matter. There is no immediate prospect of much being done in that direction. Church union is not in the air of Christendom as a whole, but it is in the air in the United States. It is a live question here. Americans should realize that our concern at present is with our own religious

problems. We are confronted with proposals and movements for union here at home. What the Greek Church and the Oriental churches and the Roman Church abroad and the Protestant churches in other lands may do or not do does not affect us directly. Moreover, we can produce little effect upon these bodies if we would do so. But all Americans can have some influence on the religious future of our own country.

In America, among the large numbers of people who care for the existence of any church at all, there is profound and wide-spread interest in the future of the churches. The questions in regard to them that emerge are in general these: Are the churches in this land to continue to exist as distinct organizations, with common aims, with the spirit of co-operation and fellowship? Are the several churches to be blended in one great corporation? Are the Protestant churches to become one church, and to exist side by side with the Roman Catholic Church? If the several churches continue to exist as distinct bodies, are they to become more and more democratic in organization and methods? If all the churches are to be amalgamated, is this unified body to become a democracy? Is it to be foreign in pattern and allegiance or American? If the Protestant churches are to be merged, and to exist side by side with the Roman Catholic Church, is the Protestant division to be divergent in form from now existing churches? Is it to be an eclecticism? Is it to be a democracy, a republic, or a monarchy? Our fathers, when repudiating the rule of England, did not import a monarch nor create one, but they framed a government for themselves; will the church or churches of the future be less Oriental and European and more American?

Such questions are in the minds of multitudes of Americans. It seems quite probable that in the effort to find light upon them the subject of Church History will become a very live one, and will need more and more to be studied and mastered. Scientific study of it, without bias, prejudice, or the influence of any ecclesiastical school, will be needed. The American people, as a whole, should know the facts.

In the minds of many excellent people, the ideal of Christian unity means the massing of all Christians in one vast organization, under one form of church government, with one doctrinal system, and with one order of worship. By

unity they mean uniformity. There are many others who believe uniformity not only impossible but undesirable, and who hold that unity in spirit, in co-operation, and in charity is more vital and important than uniformity.

Happily, there is to-day in this country a vast deal of unity in spirit and in co-operation among the churches. There is less and less of friction, less of interference on mission fields, less multiplication of churches in communities already well-churched. There is little polemic thunder heard from pulpits. To a large extent a Truce of God has been declared between the churches. Movements are under way to unite the churches that belong to the same families, as the Baptists in one, the Lutherans in one, the Methodists in one. There is the great Federation of Churches, whose aim is not uniformity, but co-operation. There are also movements planned and in progress for union of all Protestant churches in one vast church.

There are sincere and earnest people who have the profound conviction that the whole problem of the relations of the several churches is to be successfully solved by absorbing all the other churches into their own church. It is quite possible there are individuals in each church that are of this opinion.

The signs of the times indicate that there will be, in the near future, more and more agitation and discussion, rather than less, on the relations of the several churches to one another. It will be wise, therefore, for the American people, whose moral and spiritual interests are involved, to watch these movements with attention and understanding. It will be advisable for us to look at this matter with keen scrutiny and to realize that there are possibilities of making matters worse instead of better.

In contemplating even the possibility of so great a change among us as the reorganization of the Christian forces of the Republic, or the Protestant forces at least, we as a people should turn upon all suggestions or movements of this kind all the light we can obtain. We should look at them from every point of view, get all the information obtainable, and reason calmly on the facts. We should look at this situation with the same dispassionateness, using our knowledge of human nature and its strong and weak points, as we would upon a question of business or politics.

We should even strip this movement of religious terms

and look at it as one for massing forces and concentrating wealth. We should even turn upon plans and movements for church unity the fierce light of suspicion, questioning the possible motives of the leaders concerned. When a crime is committed, officers of the law first endeavor to find out who profits by the deed. When even so good a work as the advancement of Christian unity is concerned, it is necessary for the American people to ask, Are there any grosser aspects in these plans?

It may seem needlessly cruel even to appear to arraign the motives of any or all leaders in movements for Christian unity. We do not arraign them. We suggest that the American people should not take for granted that all motives are necessarily sincere and pure. We as a people have not hesitated to investigate the motives and deeds of all sorts of men in politics and in finance. We are especially inclined just now to watch all combinations of power. It is suggested that it is wise to understand what is involved in all proposed movements for church unity.

We should realize clearly that the movements of the present toward church unity, if successful, would mean the centering of vast power and control of great wealth in the hands of church leaders of the dominant party. We do not question the integrity and sincerity of the leaders of the several churches. But we summon history to testify that ecclesiastics are not incapable of being influenced by love of power. We suggest that it would be a great strain on the judgment and character of any man, or any set of men, if the power and wealth of the combined Protestant churches of the United States were placed in their hands.

To bring the significance of this subject fairly before the reader, let us study briefly certain religious statistics provided by the Federal Government.

There are in the continental United States more than thirty-six millions of church members. There are among these, twelve millions of Roman Catholics. There are twenty-four millions of Protestants. These are actual members of the churches; the following of all the churches is, of course, very much larger, probably double. Assume that any one of the existing Protestant churches were able to persuade all the others to be absorbed by it, it is plain that the vast numbers then to be included in that body would mean an enormous increment of power.

There are now 5,749,838 Methodists in America. Assume that all other Protestants here became Methodists. The Methodists would rise from five millions and a fraction to twenty-four millions. If all became Baptists, the Baptists would rise from 5,662,234 to twenty-four millions. If all became Lutherans, the Lutherans would become from 2,112,494 an army of twenty-four millions. If all became Presbyterians, the Presbyterians would be increased from 1,830,555 to twenty-four millions. If all became Protestant Episcopalians, the Episcopalians would rise from 956,930 to twenty-four millions.

We do not say all these churches are seeking to absorb all others, but certain of the existing churches who insist on their special tenets as terms of union are actually seeking such absorption. Are all leaders of such churches as are prominent in movements for church unity, and who emphasize some one or more of their peculiar tenets as essential for union, blind to the facts as presented by these figures? Does the dream that if their plans are carried out they and their party will be exalted and victorious never enter their minds? If we were treating of worldlings, we would agree without hesitation that any set of men proposing to absorb into their own particular body all these other vast numbers were playing an ambitious game for a great stake. In this great matter the same cold scrutiny of motives should be employed as in any other. The history of the world does not justify the American people in taking for granted that any human beings are above temptation.

Look at this subject from the point of view of the property, the wealth, involved. The total number of organizations of all the churches in the United States is 186,132.

The total value of the property of all the churches is \$1,257,575,867.

The value of the property of the Roman Catholic Church in this country is \$292,638,787.

Omitting the Roman Catholics from the estimates, if all the Protestants in the United States were to become Methodists, the Methodist property values would rise from \$229,150,996 to almost a billion. The Baptist property would rise from \$139,842,656 to almost a billion. The Lutheran property would rise from \$74,826,389 to almost a billion. The Presbyterian property would rise from \$150,189,446 to

almost a billion. The Protestant Episcopal property would rise from \$125,040,498 to almost a billion.

Think of the vast additions to the forces of the Sunday-schools, if any other organization absorbed the 4,472,930 in Methodist Sunday-schools, the 2,808,914 children in Baptist Sunday-schools, the 1,511,175 in Presbyterian Sunday-schools, the 782,786 in Lutheran Sunday-schools, and the 464,351 children in Protestant Episcopal Sunday-schools, not to mention the many millions of children in the Sunday-schools of all the other churches.

When one considers these great numbers in membership and in the Sunday-schools and this vast wealth, one is prepared to be shocked by the self-assertion, self-satisfaction and egotism of any one church that could dream, if any would dream, of offering itself as authorized to absorb all the others. On the face of it, any one church, if there were such, that could entertain for a moment the idea of solving the problems of church unity by such a piece of insolence would be unworthy, by lack of respect for the people, the work, and the rights of other churches, to be considered.

The American people, in considering the future possible changes in their spiritual and moral organizations, should keep clearly before them these facts and beware of any proposals from any quarter that might suggest the monstrous egotism of absorption of all bodies by any one body.

When we consider how dubious are many so-called historic claims, how feeble a reed history is at best to lean upon, how hopelessly divided scholars are upon the problems at issue between various churches, and when we consider that it is under the guise of these debatable claims and questionable proofs any must appear who may offer to absorb all the millions of money and members of the others, one is almost prepared to call any such proposals that might be put forth ecclesiastical highwaymanry. Any who might, under any guise, propose to thus appropriate the results of other men's labors, seek as spoil other men's wealth, are fit objects of suspicion, and the selfishness of their plans should be exposed in the market-place.

Again. Is the Kaiser of Germany an impartial witness as to the "divine right of kings"? There is nothing more natural than that he should believe in this right. It is natural he should wish to strengthen his position in his own mind and in the judgment of as many men as he can

influence, that, contrary to the general opinion in this era of democracy, he reigns by the will of God. Everybody knows that reason, history, philosophy would fail to shake him in his opinion. Are ecclesiastics, whose positions and powers are vitally related to certain theories of church government, more dispassionate in judgment than the Kaiser? It is not to be anticipated that any leader of any church who is exalted to high place by any theory that accredits his exaltation to divine authority, or to Christ as Founder of the Church, can be able to judge clearly whether or no his theory is actually tenable. We can safely discount all such as prejudiced witnesses.

The American people, who are to take part in forming the church organizations of the future in this country, should keenly scrutinize the motives of any or all who put forward plans for church unity that exalt their advocates. They should ask themselves the question, Are these men claiming a divine right for themselves? Is the point at issue, after all, important to them chiefly because it secures to them a high seat, a superior authority? Would the granting of their claim redound to their glory? Would it put and keep power in their hands? Then their motives are at least open to investigation. We must discount the king pleading for his own divine right.

In instances in which the theory of any church distinctly exalts not only its leaders, but itself, giving it exclusive claims which unchurch all other churches, a large element of selfishness may be suspected. There is an undeniable satisfaction in the minds of many in thinking themselves possessed of something or anything that renders them really or apparently superior to other people. This feeling exists to some extent in the churches. Some rejoice not in "the common faith," but in that which separates them from other Christians, and, in their own view, exalts them.

The American people should insist on democracy in the churches. They should suspect the presence of overgrown selfishness in any or all ecclesiastical bodies that demean their sister organizations to glorify themselves.

The terms in which special claims are put forward as being more historic, Scriptural, primitive, apostolic, true, inclusive, Catholic, should be subjected to thorough analysis. No weight should be allowed to any claim as such. We should not be awed by the terms used. The severest tests

should be applied. Is the historic claim sound history? Is the Scriptural claim based on enlightened exegesis? Is their apostolicity apostolic in fact or only in name? What is Catholic and what is not Catholic? Are claims based on dubious texts? On questionable traditions? On fragmentary and equivocal passages in the Fathers?

What do secular historians, who write in the scientific spirit, have to say? Do they differ radically in interpretation of facts and in regard to supposed facts themselves from partisan ecclesiastics and their works?

How much deference is due to custom and usage as such? Are we, and future generations, to be bound wholly by what has been? Are we to have the best, according to the enlightenment of a growing world, or are we to carry useless baggage simply because other generations have carried it?

Without mastering such questions and looking clearly into them, we may be in peril of being over-much influenced by words and terms. We should ascertain just what the words and terms mean and what they contain of fact.

Any churches which in their approach to others, to convince, proselyte, or absorb, aim to win by flattering proffers of superior social prestige or wealth or other worldly advantage should be questioned as to motives. Such pleas, if ever made, should repel rather than attract in religious affairs. It should suggest weakness in a cause involving principle and conviction to claim for it social or worldly advantages. We lament the misconception of the Chinaman who, according to the story, asked the missionary who strove to win him to Christianity, "Is there more rice in it?" Any groups of church people who might plead, boastfully, with motives of winning others to their party, "We represent the best people, most social prestige, wealth," should be suspected.

The plans of any groups for church unity should be judged by the present conduct of such advocates. Are these advocates now consistently courteous in their relations with other churches? Do any of these advocates now in practice, while proclaiming theories for a larger unity, cajole and coax individuals and groups from other churches into their own body as it is? Do they practise absorption when they can? Are they now tolerant and charitable in their attitude toward other Christians? Or do they proclaim one thing and practise another? If they now actually spend much energy

in proselyting from other churches, if they delight in weakening other churches for their own gain, we may rightly judge that behind their theories of a larger unity there really exist the motive and intent to absorb other bodies. Behind the barricades and fortifications flying the flag of Truth we may suspect selfishness.

We must remember that, in case the numerous Protestant churches were to come to a point where they were preparing to amalgamate, in the final arrangements there would be danger that some one party would actually carry its main point. Any one of the several churches could give up many other points and yet retain one or two points which are, after all, their chief ones. We may illustrate by secular governments. Assume that a monarchy and a democracy were considering an agreement as to form of government. A monarchy could give up many points to democracy; it could yield to urgency for a constitutional monarchy, to a merely nominal kingship, call the king a figure-head, perhaps, yet so long as there was a king at all the monarchy would win in the agreement.

It is just so in the disputes among the churches. The party that in an amalgamation should carry its main point of difference would actually triumph. It should be clearly recognized, and never lost sight of in the confusion of discussion, that, as in the above illustration, democracy or monarchy wins if it carries its main point.

The event in regard to the churches would be that, after all the warfare and debate and supposed give-and-take, the result of the amalgamation would be a vast church having as its predominant characteristic the chief characteristic of the party that had seemed to yield much, but had, after all, gained all. This is the actual peril. No array of words, no change of terms, no apparent concessions, should be allowed to keep this fact from being clearly seen.

We may illustrate by the Church of Rome, which is not under discussion in this paper. The Roman Church has arranged with certain groups in the Greek Church that by acknowledging the Pope they could enter the Roman fold while retaining their own liturgy and in fact everything else peculiar to them, except relations to the Greek Patriarch. In this concession to the Uniates, while Rome grants much, it still wins, for acknowledgment of the Pope is its cardinal principle.

In the plans for church unity there are several of the churches that make the condition of general acceptance of their chief tenet. They begin their plans for unity by stating as acceptable to them the principles on which all orthodox churches are agreed, as the Bible, the Apostles' Creed, and then offer their own peculiar tenet. As Dr. Ward puts it, "They begin with infinity and end in a squirrel hole."

Assume for a moment that the other millions of Christians in this country agree to enter "the squirrel hole," and imagine the triumph of that church party that has gained its point. Imagine the scenes that would follow. Imagine the twenty millions or more of the Protestant Christians of America, people who have been building and supporting churches and sending the Gospel throughout the earth, hosts of the representatives of all that is best in the nation and its history, coming to the feet of the triumphant party, to be readmitted into the Church of Christ by duplicated rites, as if they had never before been fittingly received into the Body of Christ, and thousands of pastors, who are now in the front of the battle, being reordained as if they before had never been real ministers of Christ. Picture it to yourself. Yet that is what would occur if certain of the parties now advocating church unity carried their chief point. Nothing more striking could be fancied than this unless it were the return of all the Protestants of the world to the Roman Catholic Church, or the United States accepting the rule of George the Fifth.

When we consider that such an issue, while improbable, is just what would be if certain claims were allowed, we must realize what this would mean to ambitious men, if any such existed in the victorious party. It is difficult to entirely separate the idea of ambition from any men of any party whose tenets, now insisted on, would lead to such an issue. It is difficult to believe that the significance of any possible victory on their side has not dawned on them. It is difficult to believe they do not see for themselves one of the most striking victories in the history of the Christian Church.

We can conceive a very different situation, one in which all churches throw aside all disputed points and differences, and come together only upon the few cardinal principles of Christianity—a situation in which all would have conceded

equally, one in which there would be the triumph of no party.

But so long as any party insists on its own characteristic tenet, union, if it comes, means the triumph of that tenet, victory of that party. The rest follows inevitably.

In case any one party should succeed by winning over all the other millions to its chief tenet, and all our Protestant Christians were merged in one vast church, with that peculiar tenet triumphant, could there arise in this land a spiritual tyranny?

It is not probable and yet it is possible. Spiritual tyrannies have been and may be again. Spiritual tyrannies generally have arisen only where there has been concentration of power, or a large portion of it, in any one church, usually an established church. The forming of one vast Protestant church in America would make possible a spiritual tyranny such as could not exist under our present order with numerous independent churches. One church of twenty-four millions, with its following, could, if not guarded against, exercise power for evil such as the several bodies to-day could not if they would.

It is matter of common knowledge that the Greek Church in Russia has exercised tyrannical power for the suppression of religious freedom. Protestant churches have been denied rights within the Russian Empire.

In England, the Establishment has striven many times to suppress the dissenting bodies. The Non-conformists have been persecuted. They have been taxed to support a form of religion contrary to their consciences. They have suffered socially and politically. They have been discriminated against in the chief universities. Only within a very recent period have Non-conformist ministers been allowed to graduate at Cambridge, or to receive honorary degrees. Oxford still denies Non-conformists these rights. In this country we would consider it spiritual tyranny for any church to discriminate in this manner between classes of men.

These statements suggest that a spiritual tyranny is among the possibilities, since such now exists in other lands.

We find in our own republic some clergymen who have little regard for the rights of other pastors. They claim the name Church for themselves alone. They deny the validity of the ordination of all pastors outside their own

organization. They claim a whole parish for themselves, as if there were no other churches or pastors in their bounds. They invade the congregations of other ministers with proselyting literature and coax members from other flocks into their own. If such an attitude is possible in a free nation, where all churches are on an equal footing, is it not possible that such men, if their party became predominant, would become more and more intolerant?

It is vital to keep in mind that even good men, holy men, are capable of self-deception. America cannot afford to cast in its lot, its spiritual future, with misinterpreted and perverted history, with alien prejudices, with vanities and egotisms in ecclesiastical affairs.

It is useless to urge that this or that form of church government has obtained in most of the churches through many ages. Our fathers did not consider that the vast majority of men have always lived under monarchies. They decided that monarchy is not the best form of government and they founded a republic.

It is clearly to be kept before us that the chief differences among the churches are not doctrinal, but are governmental. The general truths of Christianity are common to all. It is in forms of government the churches most radically differ. In secular governments there are three general forms—the monarchical, the republican, and the democratic. Broadly, these forms are paralleled in the churches, some of which are monarchic, others are republican, and still others are democratic.

In the consideration of any or all movements toward the union of the churches in our land, we cannot too seriously realize that there are at issue great stakes.

CALVIN DILL WILSON.

THE GOOD COUNSEL

BY WILLIAM ROSE BENÉT

RIDE thou for the crest,
Beauty to thy breast,
Life's alert unrest
Tugging at the bridle-rein!
Now by nothing cowed
Lift above the crowd
Kinder sight than proud,
Humor beating down disdain.

Silvern to thine ear,
Heavenly bells to hear
Ring and ripple clear
Through the clouds of thine ascent,
On this narrow edge
Where but eagles fledge,
Though the thunder's sledge
Crack the lowering firmament.

Pine and mountain-ash
Splintered in that flash?
Bid thine heart abash
Not one whit—nor do thou swerve,
Though beset by wrath,
On the tortuous path
From one fear it hath!
All is planned to test thy nerve.

Is it hard to hold,
Through the numbing cold,
Onward, blithe and bold,

Relishing the thrills of pain,
Nor with sigh nor groan
Upward to no throne,
For the light alone
In thy soul—that seems to wane?

Yet what wouldst thou here
On this swarming sphere
Save to feed one clear
Light within, as best thou may'st?
Save each day again,
Fresh with strength for ten,
To achieve with men
Through the trials God hath graced?

Holding not aloof,
In thy light's behoof
Daring, showing proof
That good heart is thine and will;
Littleness abhorred;
Wary of reward;
Bidding light afford
Farther light beyond thee still.

Thus, with love for one
And her love alone
More than lip may own,—
Raising her who raiseth thee,—
Strive nor apprehend!
Make thy heart thy friend!
Look beyond the end
For that beauty yet to be!

WILLIAM ROSE BENÉT.

ALSO, WHY NOT SAY "YES"?

BY RICHARD T. HOLBROOK

ONE evening years ago a group of travelers, of whom I happened to be one, were discussing languages in the smoking-room of a transatlantic liner. Nearly every one had told some relevant anecdote, or had risked some philological observation, when a Genoese gentleman remarked that one difference he had noticed between the English language and the American language was that, whereas the English say "yes," the Americans say "ya." What astonishment this aroused, if any, and what comments were made, I have forgotten; but the remark itself has stuck to my memory for more than fifteen years and may have led me, during that period, to make a good many careful observations, as well as to develop numerous reflections which seem to me worth recording.

It is curious that the word by which the members of a given nation most commonly *affirm* should so long, so often, and so strongly have impressed even casual observers *not* of that nation. "*J'avé eu bôcoup d'aventures, oh! yes,*" says Sir John Rowell, in Maupassant's *La Main*, and in another of his stories, if I remember aright, a band of English tourists repeat their "aoh yes" in chorus, "*tout en mangeant des sandwiches.*" If the lively inhabitants of the Latin Quarter have no more extensive acquaintance with our mother tongue, there are few of them whose vocabulary lacks *plum-poudingue, my darleeng, goddem, and aoh yes*, and the strange Britons who disport themselves in French farces say "aoh yes" every few seconds, but they say "yes"! Six centuries ago, Dante declared that although the ancient idiom of the "Slavonians, Hungarians, Teutons, Saxons, English, and many other nations" . . . had been "drawn off into various vulgar [that is, living] tongues," this alone remained "to almost all of them as a sign of

their common origin, that almost all of the above-named answer in affirmation, *jo*," that is, *yo*. Long before his time France had been divided politically as well as linguistically into two great parts called [*le pays de*] *Langue-doc* and *Languedoil*, or *Oc-land* and *Oil-land*, because in the South men said *oc* for "yes" and in the North *oil*, now *oui*. For reasons best known to him, the troubadour Bertran de Born dubbed his friend King Richard Lion-heart "*Richard oc e no*" and His Majesty is still called "*Richard Yea and Nay*." For Dante, Italy is the "fair land where *sì* is heard"—the *bel paese là dove il sì suona*—and in that pit of Hell where he encounters political thieves, one of the devils cries that at Lucca every one's a cheat, except Bon-turo; "there, for money of No they make Aye"—"*Del no, per li denar, vi si fa ita*"—*ita* being the Lucca form for *sì*, or "yes." So *ita* appears to be included in his scorn!

Now, it is possible, of course, to express affirmation, agreement, or affirmative denial in many ways—for example, by a wink, a smile, a squeeze of the hand, by nodding the head instead of wagging it; but for audible speech most languages possess one or two words, seldom more, by which men mean "yes" and nothing else. Such forms are the national means of affirmation; they are all that is needed in *viva voce* voting or to answer certain questions in courts of law. Every language known to me, save Latin, has some such brief expression, needing no other word to complete it. This expression is familiar to every native and, in the case of the great languages—*die Cultursprachen*—is generally familiar to foreigners as well. Every schoolboy knows that the German (or "Dutch"!) for "yes" is *ja*, and benighted indeed is he or she who has never heard of *oui*. To be sure, a good many Frenchmen occasionally vary the thing by pronouncing it *v'i* or *voui*, and Balzac makes his parvenu barber, César Birotteau, say, "*Ah ouiche! Césarine a bien mis un quatre au bout des Popinot*"; but most Frenchmen get along very well with just *oui*, or *si* in contradiction, though they love *nuances*, and are not in the habit of mangling this or other words.

In England the only common affirmative is "yes," used by high and low; English seamen and our own may still say "Aye, aye, sir," though "yes, sir" is the only form that I have heard, and "aye" or "oh aye" is frequent in the northern counties and in Scotland. "Aye" is never heard

in the United States, so far as I am aware, except in voting, but various other forms used here are common in English dialects. "Eece" (phonetically, *i:s*, riming with "peace"), a Yorkshire form, generally drawled, I have never heard, and "yis" belongs here only to Irish immigrants; but "ess," a North Devonshire word, is common among our New England villages and figures often in Miss Mary E. Wilkins's observant novels. *E.us* and *yus(s)*, both from English dialects, one hears sometimes. *Yas*, with a "flat" *a* (phonetically, *jæs* or *jæ:s*, if drawled), South Devonshire, is perhaps the commonest affirmative among the "pore whites" and "niggros" in many of our Southern States, and is occasionally employed there by persons of a certain education. A professor, now dead, lecturing one day to a class in law in a New England university, turned to a student from somewhere in Texas and said, "Mr. Pinney"—if that was his name—"Mr. Pinney, suppose A's eaves project so far as to throw their overflowing rainwater over on to B's property and thus ruin his garden; does that constitute a tort?" "Wal, yas, suh," responded the student, "I think it do." For various purely linguistic reasons, this answer created immense hilarity, in which the professor himself, a most courteous and self-controlled gentleman, was forced to join for a moment. Now, as a rule, we laugh only when we are more or less surprised, and the class was undoubtedly taken off its guard; the whole response, delivered with a reflective and softly rising drawl, was full of local color applied in the wrong place; but, in so far as the "yas, suh," is concerned, and possibly the "wal," it was not more dialectal, more provincial, more absurd, if you will, than hundreds of words and pronunciations habitually employed by thousands of New Englanders and others whom even the best models of speech at Harvard or Yale cannot wean, in four years of daily contact, from linguistic peculiarities equally remote from the speech of a Lowell, a Norton, or that of Piccadilly; for between these the difference is but small. "Yas-suh," or "yas, suh," contains "yas," and "yas" is not more "outlandish" than "eh.a," "eh.ah," "eh.aw," "yeh.a," and a dozen variants thereof used daily by millions of people of all ages and classes throughout New York State, New England, and elsewhere—in fact, north, east, west, and south. Presumably, nearly all those

mature collegians who laughed at Mr. Pinney habitually employed words, phrases, and pronunciations that would seem equally uncouth in Piccadilly, or possibly in those few native spheres whose long-favored residents have been comparatively so true to "standard English speech." Probably most of those students, like their predecessors and successors, pronounced the name of their country nearly or quite without its *i*, probably most of them called their native heath "Noo England," said "back of" for "behind," "off of" for "off," "loaned" for "lent," "t'-mara" for "to-morrow," "I gaht" for "I've got," "sumpn" for "something," "I will" or "will I" for "I shall" or "shall I," and generally substituted "yeh.a," "eh.a," "eh.up," or some other equally provincial form, for "yes." The recognition of the uncouth, as such, depends entirely upon how, when, and where one has happened to be brought up, and, after all, one can have a provincial manner without having a provincial mind, though he who has neither is blessed.

To return to "yes," this ancient compound is not quite obsolete even in the speech of our least educated classes, not even among those millions to whom the question of "good English" never occurs, who are hardly aware of "grammar" once they have "graduated," who speak naturally; but in all cases "yes" leads a precarious life and its place has been largely usurped by numerous other forms, all in daily use, though only one has yet found its way into any dictionary generally accessible, and though only a few are ever quoted.

In every-day speech the most frequent of our affirmatives is "yeh.a," so pronounced that its first syllable rimes with day and that the second is a mere murmured vowel, like the *a* of "idea." The majority of our population use this form "yeh.a" at least ten times as often as "yes." Though ignored by our dictionaries and seldom, if ever, employed by our "realistic" authors in their supposedly "realistic" dialogues, it is the chief American affirmative; it is habitually used by the young and the old, by the refined and the unrefined, by both sexes, by financiers and by professors (including professors of English), by fashionable society and by the "plain people." Being our main and universal affirmative, "yeh.a" is our *oc* or *oil* and the United States is *Yeh.a*-land, whereas England is *Yes*-

land. This "yeh.a" appears to be nearly identical in sound with the affirmative regularly employed by our linguistic ancestors in England a thousand and more years ago—namely, "yea," anciently spelled with a *g* (pronounced like initial *y*) and stressed on the *a*, though the stress was long ago shifted back so that the form became "yea" (that is, our present "yeh.a"), which in its turn became the stately "yea" which we pronounce to rime with "nay" and which we regularly find in the Bible or other linguistically archaic books. I once suggested to a fellow-philologist that "yeh.a," with the common variants "yeh.áh" and "yah," might perpetuate by an unbroken oral tradition the Anglo-Saxon "geá," but for reasons not given he forthwith scouted the hypothesis, assuming, I suppose, that "yeh.a" merely happened to resemble the ancient form and that it was due to a mangling of "yes," like "yep."

A German Doctor of Philosophy, who had come to the United States to teach in one of our higher colleges, soon dropped the "yes" he had learned in England and unconsciously adopted the "yeh.a" which he heard used by most of his American colleagues. One day he naturally employed this form in an interview with his president, a lover of pure speech, who said, "Dr. Blank, you must try to improve your English; 'yeh-a,' 'yah,' or whatever it was that you are using, is not English; you should try not to mix German words with English." "That's what I have heard since I've been here." "No, not among cultivated people." "Oh, I beg your pardon, that is the kind I learned it from." "No, cultivated people could never use such an expression; only persons of German parentage." This interlude led to no serious rupture and afforded some amusement to the German's American colleagues, most of whom continued to say "yeh.a," in jest and otherwise, precisely as they had always done.

Evidently, however, Americans do not accept "yeh.a" as their formal affirmative; for if they did, the following experiment would not almost invariably succeed. The next time some one gives you a "yeh.a" (some young lady at "Central," for instance), answer: "I beg pardon, what did you say?" She will be certain to reply, *not* "I said 'yeh.a,'" but "I said 'yes.'" In other words, "yeh.a" has not won social recognition, citizenship, so to speak, and when any one who habitually employs it in speech is made

conscious of his or her language, he or she will at once turn to "yes." "Yes," naturally, is the form found in letters or in almost all printed matter; for, as all philologists are aware, *patois* is almost never written by those who speak it: witness the Romanic languages, French, Spanish, Italian, which existed for centuries before any one went so far as to write down even a few words of them (the Strasburg oaths, in French, etc., A.D. 842).

In the United States, "yes" is pre-eminently a book word, though it is also scattered somewhat thinly through the conversations of every-day people and is employed habitually by a negligible number of individuals who are both highly cultured and careful of their speech. Furthermore, as compounds or set phrases tend to preserve old forms and old sounds, "yes" regularly occurs in all stock combinations. That is why persons whose habitual affirmative is ordinarily "yeh.a," or "eh.a," "eh.up," "yeh.up," never say "yeh.a, sir," "eh.a, to be sure," "yep, madam," "eh.-up, indeed," or "eh.a, thanks," for example. For the same reason you will always hear, "Well, make up your mind; is it *yes* or *no*?" But, "Did she say 'yes'?" Reply, 'Eh.a,' but I guess she didn't mean it." Quite likely, she actually said "m'hm," "eh.a," "eh.ap," "yup," or something of that type, employed constantly in the environment where she happened to have been brought up.

Peruse the comic department of almost any magazine or newspaper and you will be pretty certain to find a dialogue in which somebody says "yep." This monosyllable is customarily put in the mouths of light-hearted tramps, of shop-girls, "bell-hops," atrophied male suburbanites, flippant children of low birth, the implication being that it is not employed by the *élite*; but if it is not, the *élite* must be a very rare breed, *rari nantes in gurgite vasto*, as the poet says, for not a day passes but one can hear persons who enjoy the opportunities of wealth, social prestige, and mayhap "a university education," use this very form with great frequency and without the slightest intention to be humorous or piquant. It is used, as a rule, quite unconsciously, and not by children only, but by serious adults who shun what they would call "slang" and would not like to be held cheap on any account.

"Yes, sir"—a group which in various States, but especially in New England, is occasionally employed as an em-

phatic exclamation (and without any humorous intent) in addressing girls or women!—"yes, sir," has several striking variants: first, "yes, *sir*," an accentuation as common and as illogical as that in "I hadn't any reason *to go*," or in "He's a married *man*." Then what is "yes, sir-*ee*"? Well, like "no sir-*ee*," it is as characteristically American as "yes, sirrah" is Elizabethan; but that final *ee* is mysterious—possibly a decayed remnant of *ye* or *thee*, possibly nothing but an emphasizing vocalic appendix, like the *o* which cheerful Britons often add to "right."

"Yessir" (popularly so written to indicate that the *s* is not doubled, and that the compound is pronounced rapidly), "yessir," like "nossir," is an expression ascribed by realistic authors to negroes and to other individuals not unduly elegant in their speech. "Yessum," an informal variant of "yes, m'm," which comes, of course, from "yes, m'am," is another strange compound which I once heard quite exceptionally addressed to myself—exceptionally, because my title is "sir" rather than "madam." A very small colored child, whom I happened to encounter one evening as he was issuing from my abode with a basket on his arm, said to me: "Is you Mistoo . . .?" "I am," said I; "have you left my wash?" "Yessum," he responded, in the deep, sweet tones of Africa, and started homeward to his mother, a courtesy-loving widow, as the reader may already have divined. What has become of her helpful offspring would be hard to say, but it is most unlikely that he has turned into a carouser or been lynched, for an habitual observance of merely verbal etiquette tends to sweeten manners and to exercise a soothing influence on persons born amid rude surroundings or barbarously inclined. Many little boys of the plainer sort would have said "yæ," a hideous expression ending with the "flat" *a*, a vowel which never ends a word in the English language; but "yæ" is extremely common, in both senses of that word. However, let us pass to other observations.

Under formal conditions, or amid stately and solemn surroundings, a person who would otherwise say "yep," "yap," "yahp," "ya," "yeh.up," "eh.up," "eh.yup," "eh.a," "eh.ah," "eh.ya," "eh.aw," etc., with hardly ever a "yes" to reveal a remnant of gentle breeding, will almost invariably adopt "yes"; in court, for example, or in taking a husband or wife. Certainly nobody who has attended

weddings has ever heard bride or groom reply with any affirmative but "yes," and even an uncultivated judge would be likely to reprove any one who should substitute a "yeh.a," a "yep," or some other such form, for the "yes," or "yes, your honor," with which even the most uncouth know enough to respond in court.

Such is the tenacity of tradition! But in our schools of all grades, not less perhaps than in less enlightened surroundings, all the forms thus far quoted, and many others, almost infinitely variegated by changes of vowels, of consonants, and of stress, by jerking and by drawling, by mumbling, chopping, or by the use now of one cripple, now of another, as if they were synonyms intended to convey various shades of meaning, though in reality no difference is either intended or understood—all these, let us note, are so common and have been with us so long that probably not one person in ten thousand has even had it occur to him that they exist; but they do exist, and their existence is not only easy to observe, but it is worth observing. For though this particular word, namely, "yes," is mauled more frequently and more variously than most of our linguistic heritage, the tendency to maul is due to a frame of mind and to an inadequacy of schooling which manifest themselves in many other phases of our national life. Our railways kill at least six times as many people per "passenger mile" as do those of, say, England, though the average and the highest speed of our trains are both less great; we allow at least eight times as many buildings to be burned, by accident and by arson, as any country in Europe; our criminally inclined may not be more numerous than there, but they are more active and safer by far; our slovens and our slatterns are free to scatter their rubbish as they please, so that even our most prosperous towns are usually cluttered with floating paper and other rubbish, dropped with impunity, inoffensive to the majority, and gathered up by fits and starts, or not until the streets look as if they were intended to serve as public dumping-grounds. If a large amount of concordant evidence is largely true, our average tendency is to care more and more for good order and artistic finish; possibly, then, we shall include speech in our programme of things requiring consideration. The time when Americans will have to thumb a dictionary in order to understand (or translate) Thackeray, Stevenson, or Kipling, and, incident-

ally, every American whose writings we now esteem, is still indefinitely remote; but, wherever our dialect is written or spoken, at its best it varies generally for the worse from the only recognized standards of good English speech. For every professor of English in England our colleges can show a score, but for every individual in our domains who closely conforms in speech and writing to any accepted standard the original home of all English can show a score; not only that, but a degree of correctness which in France, or Norway, or illiterate Spain, would be regarded as commonplace must here be considered exceptional; for, whatever may have been its condition when our dialect was nearer its source, it is now in such a state that those who use their voices correctly, who articulate clearly, and who are able to express their thoughts without frequent recourse to pointless slang, and who in other essentials comply gracefully, as if by nature, with the simplest requirements of standard English, in the broadest meaning of that term, can be invariably set down as persons of extraordinary culture. Since language is the main instrument for expressing thought, it is regrettable that we, as a nation, should be so inclined to impoverish and mar what, at its best, is one of the richest languages in the world, the only language in which at present not less than a hundred million people can converse without serious difficulties and in which millions of educated beings can converse with only a passing sensation of strangeness due to the differentiating influences of many climates and of isolation. As our English is destined to be the only world-language, the only natural medium by which other wholly foreign nations may at some not distant time find it convenient to exchange their ideas and their wares, we have one more good reason for wishing to possess an idiom which besides being thoroughly efficient shall also have conveyed many centuries of culture, rather than something which must be regarded as a parvenu. Whether the new standard of this great dialect is to be created mainly by those whose affirmative is "yes," or mainly by those who affirm otherwise and whose whole speech may be classified thereby, is therefore an important question, important not merely to the few who know something of the past, but, through their conveyance, to the many whose minds have no background other than some small fragment of the "present."

RICHARD T. HOLBROOK.

IN THE WAKE OF THE IDEAL

BY HELEN SARD HUGHES

I never felt the kiss of love,
Nor maiden's hand in mine.
More bounteous aspects on me beam,
Me mightier transports move and thrill;
So keep I fair thro' faith and prayer
A virgin heart in work and will.

IN this connection we read also Mr. Henry James's comment on one of the Abbey pictures of the grail romance in the Boston Public Library:

"Sir Galahad has become wedded to Blanchefleur, but, sacrificing his earthly love, he leaves her that he may continue the Quest."

Astute psychologist though he usually is, Mr. James sees here only the self-sacrifice of the maiden knight who "renounces finally every human desire" that he may "resume the Quest"—spelled with a capital! But Abbey has seen more. In the picture he shows us Blanchefleur, fair in her wedding robes, the white veil dropping softly about her as she sits, her long dark hair, interwoven with ribbons, in heavy braids over her shoulders, her head slightly bent, her hands folded quietly in her lap, still holding the bridal flowers: the image of sweet submission, an unprotesting sufferer, she does not even turn her head as Galahad, with backward-yearning hand, repels the temptation of her sweet companionship, and, with the light of ascetic ecstasy upon his face, bends toward the door.

The habit has come to us down the centuries—as a part of our medieval heritage—of venerating unreservedly this strength of the pure in heart. We have glorified this faithfulness to a far-off vision, identifying spiritual greatness with this singleness of purpose; we have revered as holy this sacrifice of the so-called lower for the higher, in a re-

nunciation like that of Tennyson's knight. This sort of Pharisaical virtue pleased the moralists of the Victorian period, and we have still gone on canonizing this hero for whom romance has gained its accustomed glory that never was on sea or land.

Yet in terms of the real world, what does this strong ascetic visionary imply? The idealist? The fanatic? The crank? This knight who rides all armed "whate'er be-tide," is he not often in real life the militant idealist who rides rough-shod over the hopes and fears about him, blinded to the actual by the light of the unattained? Is he not too frequently the Levite who passes by on the other side, not from malice and scorn, perhaps, as we have been taught to believe, but because he too had that habit of musing "on joys that will not cease" which often excludes the consciousness of immediate mortal pain? And as Blanche-fleur sits in sad and ineffectual silence, while her knight goes forth to the vision which promises him personal salvation, so many a woman, and not alone in ancient story—stays at her loom while her inspired lord follows the gleam.

This price of the visionary's triumph, vicariously paid, has ever been recorded in literature, with a vividness which reflects one tragic element invariable amid changing times and manners. Sometimes the gleam pursued is a personal ideal, a vision of self-fulfilment. Such was Galahad's in the main. Or the ideal may be a great social vision in which the good of the many is the absorbing object of the idealist's endeavor, leaving him oblivious to the "nameless unremembered acts of kindness and of love." Such idealists of the social vision were the great kings of Celtic romance; Arthur mindful alone of the Table Round, buying his queen by his "great name and his little love" as Morris's Guenevere protests, straining his eyes to perceive the fullness of his great schemes, while

In her high bower the Queen,
Working a tapestry, lifted up her head,
Watch'd her lord pass, and knew not that she sigh'd.

The sin and the sorrow of Guenevere and of Isolt mark the wake of the preoccupied idealism of King Arthur and King Mark.

Thus in the Medieval romance the militant ideal is the possession of the man, while the woman must bow her head,

and submissively fold her hands or busy them at her loom; or, perchance, she may substitute for such negative suffering the positive pains of sin.

In the day of Elizabeth, the relation of the woman to the masculine ideal changed, partly as a result of political conditions which made the service of the Virgin Queen the object of man's ambition, and partly through the spirit of the Renaissance which set an exalted courtesy as the standard of man's behavior. At this period, then, woman became the object of the Quest, and not a mere incident en route. The Passionate Shepherd was pleading with his Love:

Come live with me and be my love
And we will all the pleasures prove
That valleys, groves, hills, and fields,
Woods or steepy mountains yield.

And it was the lady who looked beyond, distrusting the fleeting joys he offers, spurning his typical inducements—madrigals and posies, “a gown made of the finest wool,” “coral clasps and amber studs,” and all other promised delights of each May morning—with something of an ascetic's scorn, as she replies:

But could youth last, and love still breed,
Had joys no date, nor age no need,
Then these delights my mind might move
To live with thee and be thy love.

And finally Spenser's exemplary “gentleman or noble person,” fashioned “in virtuous and gentle discipline,” illustrated the ideal of the Time: a type of Holiness, not isolated and self-absorbed, but united with Temperance, Chastity, Friendship, Courtesy, and Justice in the service of the Faerie Queene.

Under the Puritans in the seventeenth century, a new type of vision, a spirit of other-worldliness, united men and women to some extent in a common Quest. Yet even then, men were made the chief custodians of the heavenly light, and to the fullness of their fanatic zeal the women of their households were often holy sacrifices. We recall reluctantly the hard fate of the daughters of Milton, the measure of whose day-labor was perhaps more exacting than the light supplied. We must pity a bit the wife of the inspired visionary who wrote “A few sighs from Hell, or the Groans of

a Damned Soul; by that poor and contemptible servant of Jesus Christ, John Bunyan," and who enjoyed the soul satisfaction of Christian martyrdom during twelve industrious years in Bedford Gaol, where he wrote *Grace Abounding to the Chief of Sinners* and *Pilgrim's Progress*, while the faithful wife brought up the four children of his first marriage, and labored loyally for the release of her uncompromising lord. We are reminded of his own pilgrim, described as blessed in his escape from earthly ties and burdens:

So I saw in my Dream, that the Man began to run; now he had not run far from his own door, but his Wife and Children perceiving it, began to cry after him to return: but the Man put his fingers in his Ears and ran on crying, Life, Life, Eternal life, so he looked not behind him, but fled toward the middle of the Plain.

The early eighteenth century was comfortably immune to dizzy raptures. Absorbed in the miracle of man, the age of Pope found man's bliss

Is not to act or think beyond mankind;
No power of body or of soul to share,
But what his nature and his state can bear.

Writing of these exactly proportioned ideals, the poet speaks of man in a generic sense, yet woman he obviously excludes from even this low plane of vision as he assumes to sum up the utilitarian ideals of the sex in his essay on the "Character of Women":

In men we Various Ruling Passions find;
In women two almost divide the kind;
Those only fix'd, they first or last obey,
The love of Pleasure, or the love of Sway.

But with the rise of Romanticism at the end of the eighteenth century, the sardonic, masculine rationalism of Pope was forced to give way before a new wave of idealism. The revolutionary interest in the individual, the philosophic interest in self, enlisted gradually both men and women in the army of reformers advancing with Liberty, Equality, and Fraternity as the slogan of their Quest.

Early in the nineteenth century we find Shelley writing "Laon and Cyntha," in which, as Mrs. Shelley explains,

He chose for his hero a youth nourished in dreams of liberty. . . . animated throughout by an ardent love of virtue and a resolution to confer the boons of political and intellectual freedom on his fellow-creatures. He created for this youth a woman such as he delighted to imagine—full of enthusiasm for the same objects; and they both, with will unvanquished and the deepest sense of the justice of their cause, met adversity and death.

This poetic vision of the man and woman riding side by side upon the Quest suggests the spiritual companionship of Shelley and Mary Godwin. In "Alastor," in 1815, he depicted the punishment of a "poet's self-centered seclusion." The futile vigil of the enamoured Arab maiden "who watches his nightly sleep, sleepless herself" is here avenged when the eye of the hapless poet, close to death, pursues in hungry loneliness the evening flight of the swan to its mate. Written a year after Shelley had left England with Mary Godwin, this poem seems to celebrate the human companionship which he had found to be the necessary complement of the Quest, companionship such as he celebrated two years later by the dedicatory stanzas "To Mary—" in "The Revolt of Islam," in the eighth of which he says:

No more alone through the world's wilderness,
Although I trod the path of high intent,
I journeyed now; no more companionless,
Where solitude is like despair, I went.

And in the last:

Thou and I,
Sweet Friend, can look from our tranquillity
Like lamps into the world's tempestuous night,
Two tranquil stars, which clouds are passing by
Which wrapt them from the foundering seaman's sight,
That burn from year to year with unextinguished light.

And yet in the wake of this beautiful idea where Shelley and Mary Godwin unite harmoniously in the quest of liberty and truth, lies the tragedy of Harriet Westbrook, and we cannot recall the victory of their idealism without remembering also the sacrifice by which it was achieved.

The novel of the nineteenth century casts increasing emphasis upon this quest of the ideal and the attendant tragedies in its wake. To the scientific mood of the mid-century, ideals of all kinds were dubious and hypothetical. Gradually the Anglo-Saxon faith in that good which should be-

come "the final goal of ill" attempted to solve the problem of the unintelligible world on the one hand, by discrediting the personal ideal, which was held too often to exalt one individual at the cost of social neglect, and on the other, by exalting the social ideal, which should mean, theoretically, the submergence of the one for the sake of the many. And so, in addition to the large number of novels of social reform, we have during the last half of the century a number of psychological novels illuminating this pernicious sacrifice to personal idealism, a sacrifice none the less vicious because righteously conceived by the men of vision. For in these books, the vision is still the man's whether he be Sir Austin Feverel, "an anonymous gentleman" who, in the writing of "The Pilgrim's Script," "gave a bruised heart to the world," and in the formulation of a System, himself irretrievably bruised the heart of his son—"with the laughter of Gods in the background"; whether it be Angel Clare, pure and sternly orthodox, sacrificing the tortured soul of Tess to the cold creed of his fathers; whether it be Alexei Alexandrovitch, paying for the protection of his own calm, self-sufficing virtue with the honor of Anna Karenina as he reflects

that he was not living for this transient life, but for eternity, and that there was peace and love in his heart. But the fact that he had in this transient life made, as it seemed to him, a few trivial mistakes tortured him as though the eternal salvation in which he believed had no existence. But this temptation did not last long, and soon there was re-established once more in Alexei Alexandrovitch's soul the peace and the elevation by virtue of which he could forget what he did not want to remember.

In some cases psychological fiction shows the woman not merely a helpless victim of the ideal, but a voluntary sacrifice to it. In the earlier English novels we find heroines suffering thus deliberately for a conscientious idealism. Such is the protracted sacrifice of Clarissa Harlowe in the middle of the eighteenth century, and of Maggie Tulliver a century later,—the pure in heart who finally forswear the pomps and vanities that they may see God. Then there is the type of woman who is consciously a sacrifice to the social necessities of her class, women such as Thackeray gives us in Ethel Newcome, and such as Mr. Galsworthy presents with deeper implications in *The Patrician*. Here we find again a social idealism dominant, but an ideal now as much

the fêtitish of the woman as the man, bringing in its wake the sacrifice of neighbor and self, regardless of sex.

The last half-century, however, has marked the rise of a new type of self-centered idealism,—a type which has found slight expression in literature as yet. With the extension of opportunities for women in activities more or less remote from the loom and the fireside, there has come the wave of revolt and self-assertion inevitable to the exchange of new ideals for old. In this period of transition we note, then, signs of the woman as the militant visionary and the man the sacrifice, more or less voluntary.

Away back at the beginning of the nineteenth century we feel a hint of the militant woman in Emma, who temporarily forces to her ideals the respectful inhabitants of a provincial village. But Jane Austen was too true a realist to allow one of her sex to maintain for long such supremacy at that early date, and by the close of the volume, the ruling passion of the lady has surrendered pusillanimously to the superiority and calm affection of a country gentleman several years her senior.

In 1879 appeared the first important delineation of the feminine idealist in Ibsen's Nora, the doll-wife who comes to construct an ideal of what she herself would be when adversity pricks the frail bubble of various conventions which she has accepted second-hand. We sympathize with the little wife who has been a victim of mistaken masculine traditions, as she explains:

And you've always been so kind to me. But our house has been nothing but a play-room. Here I have been your doll-wife, just as at home I used to be papa's doll-child. And the children in their turn have been my dolls. I thought it fun when you played with me, just as the children did when I played with them. That has been our marriage, Torwald.

This is not unlike the sacrifice of Guenevere to Arthur in its beginning. But as the possession and power of the ideal shifts to the woman, our sympathy must shift somewhat to the man, for instinctively we feel the inexorable play and counterplay of vision and sacrifice, as the dialogue proceeds:

HELMER. Can you forsake your holiest duties in this way?

NORA. What do you call my holiest duties?

HELMER. Do you ask that? Your duties to your husband and your children.

NORA. I have other duties equally sacred.

Here is the play of Bunyan's Christian and Christiania reversed.

It is this type of feminine idealist that is developing rapidly to-day in numbers and significance, but the type is too new to have found yet adequate expression in literature. In the work of certain contemporary novelists, as in Mr. Wells's *Ann Veronica*, Mr. Herrick's *Together*, and other pictures of "the Restless Sex," we get the super-woman in embryo; but we must go to real life, or to the more immediate journalistic transcripts of real life, to find the florescence of the type. Then, mindful of mankind's legitimate dread of the unreasoning intoxication that comes with too ardent idealism, we can better understand certain aspects of current humor, displayed in the theater and press. Then we can perceive in the feeble jokes of the "funny page," in the heavy facetiousness of the editorial column, in the crude comedy of the vaudeville skit, deriding the henpecked husband of the public-spirited wife, the neglected offspring of the president of the woman's club, the dyspeptic cookery of the college graduate, half-conscious, blundering efforts to expose the sacrifice we instinctively look for in the wake of the ideal.

HELEN SARD HUGHES.

RUDYARD KIPLING SEEN THROUGH HINDU EYES

BY A. R. SARATH-ROY

“RUDYARD KIPLING is an ingrate.”

These words came like a bolt out of the blue. A group of men who nearly dominate thought and life in India were sitting together in a famous Calcutta club. I had chanced to mention Kipling, and a man whose name is well-known in India, spoke out:

“He was born in India; he worked in India, the first employment he got was in India; he attained fame writing about Indian scenes, about the men that lived, worked, became rich in India, with money drawn from the people of India; in short, owing to India his first breath, livelihood, and fame, this man misrepresented, ridiculed, and maligned the people of India, without just cause or provocation. The man as a man is an ingrate; the man as one of the conquering race is without chivalry and manliness when he ridicules a conquered nation.

“As an Englishman, he does not uphold the vaunted chivalry of his race or nation, of his King Arthurs and Launcelots and other Knights about whom English poets sing so often and with such evident pleasure. Further, I believe, if one were to investigate and probe deeply, the very imagination and art of story-telling were developed by his Indian *Ayah*, or nurse, just as the Grimm brothers were trained by the mother to write their fairy-tales.”

The last remark requires some elucidation. In India, from time immemorial, it has been the accomplishment, if not the duty, of every Indian nurse to be able to tell tales. They amuse the children in the afternoons and evenings with wonderful stories, simple, imaginative, and full of the elements of human emotions. These tales have been handed down from generation to generation, told and retold with marvelous faithfulness, as to text, in the market-places,

and on the door-step at eventide, by men and women. Rudyard Kipling, he suspected, heard and subconsciously remembered the tales of his Indian nurse, and in some cases his suspicion is not without foundation.

Such strong terms of expression as quoted above necessitate justification. It is only by carefully following step by step the work and career of a man that we can hope to arrive at a decision from which the taint of prejudice shall be eliminated. Such an endeavor will be made and comment shall not be sparing in frankness.

Rudyard Kipling achieved the popularity of a nation, at the early age of twenty-seven, through his stories of Indian life. Born in India, he served his first apprenticeship in the workshop of literature as a humble but talented sub-editor in India, and, writing of the land of his birth and apprenticeship, he gained fame as an author and popularity as a great story-teller.

Everything, with only a few exceptions, that Kipling has written of worth and of immortal fame has been about India. He writes stories of soldier life, but those soldiers lived and perpetrated their rough jokes in India; in India they fitfully yearned for the hills of Yorkshire and the chimes of the Bow Bells; and for India they longed with so much wistfulness when they returned to their native land—"Home" as they called it out in India. Those devil-may-care lads, for whom we have, in spite of their "deviltry," so much sympathy, were all Indianized souls. Born in England, their love for home had become a sacred conventionality; but they lived and enjoyed living in the land of their work—India.

Was it not on an Indian mountainside, with his heavy jowl buried in the dry autumn leaves, that the hulky, big-boned Yorkshireman broke into the poetry of grief, mourning for the loss of an English lassie he knew not was dead or living? Did not the great Mulvaney celebrate his reincarnation dancing in the Indian moonlight? And was it not a veteran of the Indian service that yearned, "Ship me somewhere East of Suez"?

The touching tales of the lives of his countrymen are of those who have labored and toiled away the best part of their prime under the scorching skies of the great Indian Empire. Kim won his spurs in the secret service of India in the company of Indians—and Strickland, his bride, dis-

guised as an Indian groom. Spurstow watched his companion succumb to the call of the Beyond at the end of a pioneer line in India, isolated far away from civilization.

He describes Indian scenes with the hand of a master, and his pictures are full of realistic and interesting details carefully, artistically, and beautifully wrought. They are so vivid and true to life that the black letters of the pages are transformed into the landscape he writes about. With a bounding sense of joy one recognizes the old landmarks and the trees and the roads and the hills and their setting as one reads of them. Kipling has done justice to Indian scenery, but to nothing else Indian. Take, for instance, this description of an Indian night:

Over our heads burned the beautiful Indian stars, which were not all pricked in one plane, but, preserving an orderly perspective, draw the eyes through the velvet darkness of the void up to the barred doors of Heaven itself. The earth was a gray shadow more unreal than the sky. We could hear her breathing lightly in the pauses between the howling of the jackals, and the fitful mutter of musketry fire leagues away to the left. A native woman in some unseen hut began to sing, the mail-train thundered past on its way to Delhi, and a roosting crow cawed drowsily. Then there was a belt-loosening silence about the fires, and the even breathing of the crowded earth took up the story.

What could be more beautiful or truer to nature! This is as it is in India. The jackals howl, the mail—*i.e.* express—train thunders past, the woman croons a lullaby, and the crow caws drowsily. Then there is a silence—"a belt-loosening silence." And who has once heard the hum of the earth or the "breathing of the earth"—as Kipling calls it—gliding its creeping, soothing theme into the somnolent harmony of the Indian night can never forget it. The picture is perfect.

What a pity that Kipling does not describe more scenes that he has witnessed! He could have described scenes of Indian life that continually passed under his notice. He might have entered the massive palaces of pompous Rajahs and the humble home of the poverty-stricken peasant and told us in his wonderful language what he saw there. Instead he has spoken indifferently of what he heard. Kipling had such great opportunities! Had he taken them he could have shown India to all the world as never a book of travel, with all its colored photographs unfolded to a reader. Then, perhaps, he would not have ridiculed the native he

never understood. But he saw through other peoples eyes, and he wanted to extol his people at the expense of India.

Legends he has taken and made coin of them. Shakespeare made a hero out of a pirate; Kipling has made legends out of whispers, and those legends read with an indescribable fascination, and possess to a trembling imagination the weird uncanniness of a tale of Edgar Allan Poe without its horrible discomfort. What stories could possess these qualities better or to a greater extent than "The Strange Ride of Morrowbie Jukes" or "Beyond the Pale" or "In The House of Suddhoo"! The uncanny setting, the agonizing suspense of the mute, unbreakable silence. The village of the Dead! Think of the wristless arms thrust through the bars of a window in a dark night! The horror of it! Again, "In The House of Suddhoo" the magic scene is as good as any that can be witnessed on the stage with all its elaborate paraphernalia. How cleverly the tales and effects of superstition and ignorance are told! They are all masterpieces of imaginative construction. All this has been built out of undefined and indefinite whispers. In that country, where news travels so mysteriously and with such incredible speed, there are many rumors, many tales, often not fully told, just darkly hinted, and no one knows where they originated—in fact, or in the fevered, fervid imagination of some agonized, heat-crazed brain—they just float in a heavy, surcharged atmosphere—no one knows or can know the truth of them. From such materials Kipling has made readable, fascinating stories. He has given body to undefinable shapes; he has materialized the ethereal. It was a wonderful work! But he has used the mother's milk to mix poison for the babe.

For instance, again, take the story of Kim. The character of Kim has been treated in a similar way to that of Hamlet. According to Mr. Lord, the editor of a Darjeeling newspaper, the *Pall Mall*, Kim is no other than Tim Doolan, Jr. Shortly after the so-called Indian Mutiny of 1857, a company of British soldiers were garrisoned on the dreary, sunless heights of Seneshall, a peak of the Himalayas, not far from Darjeeling. There the sun shines on an average of three days a year, and there a romantic Irish sergeant fell in love with a beautiful Tibetan girl. The sergeant's name was Tim Doolan. He eloped with the Tibetan beauty and crossed the frontier to live with her people on the

borderland. Nothing more was heard of Sergeant Doolan for another twenty years, when his son, Tim Doolan, Jr., was arrested in the market-place in Darjeeling for murder. Young Doolan was very fair in complexion, with blue Irish eyes and red hair, although he spoke only Tibetan. The British authorities looked him over suspiciously and wondered at the Irish type and Irish name. Later, papers belonging to Tim Doolan, the sergeant, establishing the origin and identity of the son, were found on the accused, who, like Kim, valued the papers as a charm. The sergeant's rifle and side-arms were also found afterward in Doolan's hut. The half-caste son was executed for murder. The story is well known all over India, and from such frail material Kipling created Kim.

The old gentleman in the Lahore Museum is, without doubt, no other than Kipling's father, who was the curator of that institution for many years.

Strickland and the Colonel have their prototypes in the history of governmental work in India. The exploits of Major Keene, who was intrusted with the guardianship of the Prince of Wales, the late King Edward VII. of England, then on a visit to India, vie with those of Strickland. Major Keene is most probably the Strickland of Kipling. He knew Indian life as very few Europeans do, and was greatly feared by the criminal classes.

But Kipling is *not* an authority on India, or things Indian. He is only a writer of the life of foreigners in India—not of Indian life. He has not written about the Indian or about his living and thinking. Sometimes, indeed, he records the conversation of the servant with his master, that affords a passing glimpse into the life and thought of those menials; but their standard cannot be taken as that of the nation. If not for the reason that the servant is apt to hide or disguise his true self before the presence of his master, which is especially likely in that country where the gulf between the two is so wide, for the simple fact the social tiers are so sharply defined and the distance between each succeeding plane so immense. Kipling writes of the lives of his countrymen toiling under the parching Indian sun, chafing under the discomforts of un-Europeanized life and longing for the fogs of London and to be on Greenhow Hill. Of their life he may be or is an authority and depicts it well, even though his pictures frequently are

exaggerated. He speaks with eloquence and interest of their lives, but the pictures he paints in words contain lights and shadows brighter and darker than they are in actuality. Had Kipling used his own powers of observation, he would have painted other pictures truer to life. But he is rather an attentive and a too credulous listener and a clever reproducer than a recorder of personal observations. What Kipling heard through his ears came out through his finger ends. Yes, he can observe, but he prefers to listen.

In describing the native, Kipling evidences all the virus and prejudices of his countrymen. He considers the Bengalee a coward, because that vegetarian gentleman is peace-loving and anxious to avoid "trouble," as Mulvaney puts it. Centuries of Hindu philosophy, of Hindu religion, and Hindu civilization have cast his mind into the mold of Peace. Also his food and the hot climate are not conducive to give his physical and mental propensities a bent toward aggressiveness and fighting. The Bengalee may not possess a spontaneous physical courage, but he commands a mental or moral courage that can enforce a physical courage, as late developments have proved. This mental courage does not make him less a man or a person unworthy of respect. This Kipling overlooks. Nor is his ridicule original. Englishmen for many years have been making fun of the courage of the Bengalee, and Kipling just swims with the current.

Then, again, the Indian is always represented as an inferior person to an Englishman, whether that Englishman be civilian of the Indian Civil Service, or a ruffian of the class of Tommy Atkins. Nowhere does one find conversations between natives, so there is no data for comparison. Nor, indeed, is there one bit of serious conversation between an Indian and a European that is characteristic of anything other than the peculiarities of the former's mode of expression in a borrowed language. The Lama in *Kim* can scarcely be regarded as typical of the Indian. He is a lovable scholar of ancient lore, he lives in the past and is full of rustic ignorance, which keeps him in a continual state of wondering at all he sees in the great world outside of his monastery, situated on the spur of the Himalayas, beyond the frontier of British influence. The Bengalee agent of the Secret Service never speaks his mind. He is in a perpetual disguise. He has an ambition, but it is that

of a scholar and shares it with his chief, an Englishman. The rest of his native characters are mostly ignorant servants, who address their English masters as "Heaven-born"—a style of address that is not so common as Kipling would like us to believe. Even when used, it has no more significance than the *Gnadiger Herr* of the urbane German salesman.

He weaves into their talk all kinds of ignorant superstitions, and through it all runs a vein of cheap philosophic jargon, which he would have us believe as the ideals of Hindu philosophy and fatalism and as peculiarly Indian. Wonderful must it be when we find illiterate servants applying the intricate theories and high ideals of any philosophy to their daily life and action in all its pristine and intense purity.

In *Naulaka* Kipling analyzes the mind of the Indian, but there is nothing very characteristic about it. Sitabhai, the Gipsy Queen, might just as well be European as of any other country. She is an extraordinary type, closely related to the Medicis and the Borgias, or any other strong-willed, fearless, unscrupulous, intriguing woman with power, influence, and money to support her diabolical machinations. The Rajah is perhaps more Indian; but even there his unenviable qualities are portrayed, and one finds nothing in his character to arouse sympathy, except his rugged soldiery and open wickedness. His ruggedness and strength call forth admiration, as they would in any man, but the question is, Is the Maharajah a *typical* Indian King? Are all the kings of India so ferocious, so unscrupulous, so savage, so despotic, and so intemperate! It is hard to believe it when one studies the history of India with an impartial mind, or when one comes into intimate contact with Indian kings.

It is unfortunate that Kipling so persistently and monotonously depicts only the evil aspects of Indian character. Had he relieved it with a picture of the brighter and cleaner side, he might have been considered an impartial and thoughtful critic, and perhaps, with greater truth, assume the position of a reliable authority.

In only one little story, "Without Benefit of Clergy," he passes on the screen a happier picture, happy in spite of its sad *finale*. There Kipling surpasses himself and exacts admiration as a skilful analyzer of human character.

In it he forgets the prejudices of race, in the love of a wife and mother; in it he approaches nearer than ever the comprehension of the universal sameness of human nature, the sameness that makes Shakespeare and Goethe applicable to any race in any part of the world and in any state of civilization. Perhaps in no other story or work of Kipling's a nearer or truer view of the inside of an Indian home is accorded to the reader than in this little pathetic tale of idyllic conjugal love, that wedges so beautifully into a maternal love, full of motherly anxiety, doubts, hopes; the anxieties and hopes of a faithful and trusting mistress, who fain would be a legitimate wife for the sake of a bastard son. It is not a view of a real Indian home; the setting is too unnatural and insecure, but it is a fairly close glimpse.

Kipling's worst fault is that he exaggerates the hardships and responsibilities of his fellow-countrymen toiling in the labor of empire-building, or as mere parts of the great machinery of government. The dangers of climate and the sun, of disease, poison, and intrigue, are exaggerated. The want of cultured conversation, of amusement, of the refinement of music, of the delicate touches of womanly hands, is among the greatest hardships endured by the young European, and one can well sympathize with them. The untended death is also pathetic, but people do not die so suddenly nor are they out of complete touch with civilization for long periods of time, except in very rare cases. The use of poison for the undoing of a foe, though much commoner than in Europe, is not practised so generally as to be a menace to society or to be feared in the ordinary course of life. The dagger and the stiletto are commoner weapons in Italy and Spain than poison in India. That Kipling has enhanced these dangers and hardships so abnormally is easy to understand, nay, to be expected from so enthusiastic an imperialist, and one who saw and observed with the inexperienced impulsiveness of youth, an age when the true value of things are magnified or minimized unnaturally. He saw the greatness of the empire and the magnitude of the work and enterprise—one of the oldest and most fertile countries of the world, containing a population of over three hundred million souls, held together and ruled by a mere handful of men—not more than seventy thousand! A stupendous undertaking!

Kipling is a keen observer of men and things, but the greatest genius could never learn to know the people of India in six short years. While talking to an aged missionary, who has spent the better part of half a century among the natives of Hindustan, I asked, "What do you think of Kipling?"

"Ah, well," replied the old man, "he writes well, and I like to read his stories, but he knows nothing about India. I have met many boys who think they know all about that wonderful country after they have lived in it for a few years; but after the sun has browned and parched their skins steadily for twenty-five years they shake their heads and say: 'I don't know it. I do not know it.'"

"Do you know it?" I impertinently asked.

The old man's eye searched the further corner of the room, as if examining the accumulated knowledge of many years' experience, and then, after a moment's silence, said slowly: "No; I have lived only forty-five years in India. No, I do not know it."

The relative values that Kipling has placed on the white man and the brown man, between the Englishman and the Hindu, is translucently exposed in the poem, "The White Man's Burden." The poem is good, splendidly good. How good it is can be best measured by the amount of adverse criticism it aroused. Unless a thing is so much out of the commonplace that it halts the attention of numbers, it is not worth criticism, and seldom finds a stubbled path on its course to ultimate and speedy oblivion. "The White Man's Burden" aroused a storm of bitter criticism and howling appreciation. Within a few days of its publication, journalists on the staff of country periodicals with a reputation for verse, amateur poets, poetasters, and would-be poetasters had written replies, imitations, and parodies in rhythmic foot. Even Labouchere wrote a reply. The poem was a stirring success. It did not seem right, somehow, to minds that groped in the ethics of a more expansive humanity. Kipling reduced it all to the focus of insular ethics. It was a great achievement. An excuse as magnificent and immortal as any discovery, invention, or Plato's name:

And if by chance ye falter,
Or lay along the course,
If, as the blood flows freely,
Ye feel some slight remorse,

Hie ye to Rudyard Kipling,
Imperialism's prop,
And bid him, for your comfort,
Turn on his jingo stop.

Kipling achieved more. Not only did he invent an excuse, he sounded an inspiring war-note. He filled the young blood with the germ of a complicated disease—the brown man—subduing, civilization-carrying, and empire-building fever. At the same time, he inoculated them with a comatose conscience, which is equivalent to the sleeping-sickness disease in the life of ethics and humanity. Kipling made himself immortal.

There is the pose, as at the Death of Goethe's Faust, of surveying great work done, an empire built, prosperity introduced into uncultivated lands, and learning to an ignorant populace. Just another note is struck to create a proper setting to this satisfied and tired pose, that of a certain amount of bitterness caused by ingratitude and injured virtue. The ground was prepared for this added note a year before in "Kitchener's School," where the mad virtue of England is extolled by a thankful and wondering survivor of the marvelous and murderous system of philanthropy.

Knowing that ye are forfeit by battle, and have no right to live,
He begs for money to bring you learning—and all the English give.

The survivor is astonished at the unthinkable virtue, and soliloquizes:

It is their treasure—it is their pleasure—thus are their hearts inclined:
For Allah created the English mad—the maddest of all mankind!

Is Rudyard Kipling really so simple as to think that the conquered are grateful to the conqueror? Does he know human nature so ill as to believe a man loves the killer of his kith and kin? Like Napoleon's retreat from Moscow, Kitchener's Omdurman marked a new epoch of cruelty. One hundred thousand were coolly shot down before those brave Arabs reached the English lines. These lines are an epilogue to the Battle of Omdurman, *spoken by an Arab!*

The storm of discontent was already brewing in India when the poem was published, and Kipling knew of it. The Indian feels that this is misrepresentation, and he is not guilty of ingratitude. Why?—that question is irrelevant here.

Kipling is not popular with the people in whose land he was born, and about whom he gives so much unreliable and unworthy information. His style and his stories arouse as ready an interest among Indian readers as they do in England or America, but it cannot be expected that he should be personally liked or admired, aside from his entity as a writer, by people whom he has so grossly misrepresented in the greater number of instances, and whom he despises or ridicules so openly. His attitude admits of a very simple explanation. He does not know the Indian. He knows the Anglo-Indian, something of the machinery of the Indian Government, the ways the strings of the Indian Service are pulled, the men and women in that Service, and the stories of their lives, but that is all that Rudyard Kipling knows about India and the Indian. It is a false impression, that because Kipling was born in India and lived there for a short time he consequently knows all about that country. True, he was born in Bombay, and as an infant child even mispronounced the Indian language—or that dialect with which he was familiar—but he left the land of his birth at the tender age of six and did not return to it till he was about to take leave of his “teens.” And then he remained only six years in the country.

Only for his art as a great story-teller can Kipling ever be tolerated in India, for in his pride of race and ignorance he has wronged a great nation by not placing it before an unknown public in the best and truest light. Bret Harte wronged a section of a country and a portion of a nation and he was roundly taken to task. Kipling has misrepresented a continent and outraged a nation of over three hundred million units, and must he never be censured? Even for the sake of art and literature may the Truth be perverted or a whole nation maligned?

A. R. SARATH-ROY.

THE AWAKENING

BY LOUISE COLLIER WILLCOX

Is it not in *Alice in Wonderland* that some emphatic creature suggests that if he repeat a thing often enough it is true? So in the world about us when we hear things repeated so often that they seem to be in the air we breathe, we begin to realize that they stand for some actual fact in life. Nowadays we hear it repeated, on all sides, that there is the feeling of dawn in the air; of being at the beginning of a new era. As at the close of the nineteenth century there was a sense of decadence and of finalities, so there is about us now a new life, new standards, new beginnings. It is an age of the transvaluation of values, and more traditions are swept away, more reforms undertaken, more changes welcomed than in any age of history before.

Change is the sign of vitality, and we are facing changes every hour. We are clear-eyed and buoyant. There is no evil we do not face, and face hopeful of its destruction. We are recreating life with a vigor, a fearlessness, an intensity of purpose never before seen in the history of civilization. Not the French Revolution itself was a greater upheaval than the peaceful, straightforward, thoroughgoing reforms of to-day. Whereas violence was the mark of that revolution, seriousness is the insignia upon the up-breaking of to-day. We have ceased to regard resignation as a virtue and we no longer accept the inevitable. The fact is that, apart from death itself, men are beginning to feel that there is no inevitable. Indeed, President Eliot tells us the attitude toward death itself is changing. We feel young and buoyant and capable. To adjust the little matters of capital and labor, of marriage and divorce, of public and private morals, of business honor and social justice, is a serious but entirely hopeful undertaking.

Since, too, every step in progress begins by challenging

the validity of existing conditions and conceptions, and since progress depends absolutely upon accepting no stage of civilization as final and crystallized, the facts of life, social, moral, and intellectual, are thrown before the public as never before. Nothing is final and nothing is to be kept secret.

Long ago W. K. Clifford pointed out the dangers in the crystallization of racial customs:

“ If we consider that a race, in proportion as it is plastic and capable of change, may be regarded as young and vigorous, while a race which is fixed, persistent in form, unable to change, is as surely effete, worn out, in peril of extinction, we shall see, I think, the immense importance to a nation of checking the growth of conventionalities. It is quite possible for conventional rules of action and conventional habits of thought to get such power that progress is impossible and the nation only fit to be improved away. In the face of such a danger, adds this witty scientist, ‘ *it is not right to be proper.* ’ ”

It is such dangers as this that modern life is apparently delivered from. Nowhere is the change more noticeable than upon the stage. The appeal of the stage being to the widest possible level of thinkers, it is usually the last institution to throw open its doors to new ideas because its verdicts never come from experts. The war waged against ideas in the interests of commercialism has been fierce and intense. For a time the spoils seemed undoubtedly to go with the latter force. To the keen observer of life, however, there is no doubt but that the pendulum has struck the high point of futility and is swinging back again. In literature, in painting, in sculpture, in all the arts there is a tendency again toward seriousness and reality of product. There is an ever-loosening hold upon the cheap, the tawdry, the sham product. We have suffered adequately from mere hollow appearances decked out as truths which flourished for a while in the nineteenth century; now they are simply laughed down and not accepted. We have demanded and are getting a change from the cheap and ready-made to what is indeed more costly at first, but also more permanent. Quick wit is no longer mistaken for real intellectual ability, for the power to think and think straight. A song and dance on the stage will not take the place of a play of ideas; the machine-made novel only fools the half-educated and cannot count its

readers in the hundred thousands. Nothing more helpful to general education has happened than the passing of "the best-seller." The change for the better is in the air. Better magazines are read and more cheap ones are going by the board.

The stage reflects, somewhat slowly and timidly, indeed, yet truthfully, the mind of average man; and where and when in the history of civilization could the themes now familiar to every theater-goer, to every frequenter even of the moving-picture show, have been presented before? Some years ago a Boston lady read, laughingly, the little preface to Brieux's "Damaged Goods." "When," she asked, "will such a piece dare to be spoken on English-speaking boards?" The answer of all those present was, "Never." Four years later "Damaged Goods" was being played all over the United States.

To be sure, the first stone was thrown as early as 1877, when Björnson published and had staged in Christiania his play, "The Gauntlet," demanding a single standard of morals; while Ibsen with his "Doll's House," a picture of the "parlor lady" without responsibilities, Hedda Gabler, the predatory woman, "Ghosts," a story of concealment and inheritance; Hauptmann, with his plays of social justice, carried on the method, while Strindberg wrote upon impossible subjects and in the "Intimate Theater" of Stockholm managed to lay the foundations of the new theater of ideas.

A great dramatic revival began with Shaw in England and was continued by Barker, Galsworthy, and Besier. Things half known and never expressed are pictured for the public, and the question is urgent, "What will you do about this?"

"Social forces lie deep," says a modern writer upon the drama. "They are not on the surface; they are the true history of any movement. Hence it is not cleverness, but understanding, they require for their full and ample explanation."

The old presupposition that *life* was by its nature divorced from *ideas*, and that drama was divorced from literature, has been destroyed by such practice as that of the modern English school of playwrights, and in its wake, less serious, indeed, less capable and artistic, but awakened at last, come the recent American dramatists.

Zoë Akins has published a comedy "Papa" somewhat

overdrawn, indeed, yet pointing directly at definite forms of social abuse. It is lively and amusing enough to pass for sheer comedy verging upon farce, and yet there is an undercurrent of satire and criticism of ideals which places her play under the head of the new drama.

George Bronson-Howard in his "Red Light of Mars" is plunging head foremost, with no little general splashing, into modern ideas and new ideals.

"Sentiment, always sentiment, maudlin sentiment, that's what keeps abuses unrectified, men ignorant, women slaves, the world's intellect developing no faster than a snail crawls," he writes. The tone here is, of course, directly drawn from Shaw, and the devil's indictment of Christianity, under which men called hate—anger against the heathen; lust—the Woman leading on to Holier Things; greed—world-conquest in your name, indicates somewhat crudely the latest transvaluation of values.

These plays completely contradict the statement of Montrose J. Moses in his volume on *The American Dramatist*, that "not one of our American dramatists can thus far boast of challenging thought or of rousing public interest, other than that of fictitious excitement."

Veiller's two successes, "Within the Law" and "The Fight," as well as Scarborough's "Lure," certainly have challenged thought. Again, Mr. Moses's insistence upon the necessity of stage technique is contradicted by Mr. Maugham's congratulations upon the American dramatists' freedom from just such hampering rules and regulations.

The changes brought about upon the stage, that last rampart of popular prejudice, are nowhere more apparent than in the books about the drama; so that books of even two and three years ago seem hopelessly antiquated and have no weight at all under modern conditions. More and more the stage, following in the wake of literature and religion, is coping freely and boldly with ideas; more and more is it an awakener, a provider of real thought.

More and more do play-goers look for what Mr. Clayton Hamilton calls the "sacred intention of permanence" in the play, and more and more is it true, as Mr. Percy Mackaye has said, that "true democracy is vitally concerned with beauty, and true art is vitally concerned with citizenship."

MUSIC AND DRAMA

SIGNIFICANT HAPPENINGS OF THE MONTH

A Remarkable New Opera from Italy: Montemezzi's "L'Amore dei Tre Re."—Mackaye's "A Thousand Years Ago."—Barrie's "The Legend of Leonora."

BY LAWRENCE GILMAN

To an observer of the musical heavens the discovery of a new composer is as thrilling an event as the discovery of a new star must be to those who watch the more fruitful heavens of actuality. By "a new composer" we mean, of course, a new composer of parts—one who speaks with a voice that is arresting by reason of its beauty, or its volume, or its singularity. To have lived in the day of, say, Wagner's emergence must have been a stupefying experience indeed—though there is the hideous possibility that even the most liberal, the most unimpeded, among us might have reacted to him as did Ruskin to "Die Meistersinger," which he dismissed, with delightful vehemence, as an "affected, sapless, soulless, tuneless doggerel of sounds; . . . as for the great *Lied*, I never made out where it began or where it ended, except by the fellow's coming off the horse-block." But if we cannot all have been present on that occasion when the Quintet must (let us hope) have fallen upon our ears like the voice of all the angels singing out of heaven, there are many of us who have had the immeasurable privilege of watching the wonder and loveliness of a "Pelléas" flush the tonal skies with a beauty as magical and melancholy as an autumn sunset, or have seen an "Elektra" flame in those self-same skies like the terrible, burning star of the Apocalypse, the name of which was wormwood, and which embittered the waters into which it fell; "and many men died of the waters, because they were made bitter." And there, perhaps, is the fitting motto for what we are about to say.

How is one to know whether the new light in the esthetic

sky is an enduring radiance or a false dawn? Whether the flaming star is a fact or an hallucination? How, that is to say, are we to know whether our new composer is worthy of our liking or not? We fancy the candid pessimist would tell us that we may know the authentic from the delusive by remembering the words of the Scriptural narrative that we have just quoted. Are the waters embittered by the burning star? If they are, then (says our candid pessimist) you may know that Genius has come upon the earth. Has any genius—has any genuinely creative composer (to stick closely to our muttens)—ever failed to embitter the waters? When Ruskin called the music of “*Meistersinger*” a “soulless, tuneless, doggerel of sounds” he merely echoed the opinion of most of the critics and many of the public of his time. We all remember how the most important music composed since the death of Wagner—the music of Debussy and Richard Strauss—was greeted by those who should have been the first to announce and extol it. So that it might almost be stated as a critical axiom that you may know a masterpiece by the bitterness it precipitates; and that a work which is hailed upon its appearance as a masterpiece is—something quite different. The new work of an innovating genius will always taste bitter in the mouth to all save a few. If it does not—if its flavor delights the palate at once—let the heedful beware!

All of which is prefatory to a consideration of a new opera, by a new composer, which has made more noise in New York than any lyric novelty of recent years. We refer, of course, to Italo Montemezzi's “*L'Amore dei Tre Re*,” which was produced at the Metropolitan in the first week of the new year amid general and indisputably sincere rejoicings—rejoicings which would have been a fit greeting, indeed, for a new “*Tristan und Isolde*,” and which awoke, in the memories of some, ironic recollections of the quite different reception that marked the disclosure of “*Pelléas et Mélisande*” and “*Elektra*.”

Montemezzi is a wholly new apparition in the operatic field, so far as the world at large is concerned. He is young—in the early thirties; and his native Italy saw the production of “*L'Amore dei Tre Re*” only a year ago. His two previous operas had made no fame for him, and to-day, save in Italy and in New York, he is virtually unknown. Nor is the dramatist who has supplied the literary basis of

his opera much better known. Sem Benelli is a contemporary Italian poet, whose name is often bracketed by his countrymen with that of Gabriele D'Annunzio; but few non-Latin readers are familiar with his work. His "L'Amore dei Tre Re" is a "tragic poem" in three acts. It is a play that might have been written for musical enlargement, so ideally suited is it to the purposes of the lyric stage. This drama is almost as spare, as free from accessory elements, as is Wagner's "Tristan."

Fiora, wife of Manfredo, is a young princess who has been wedded against her will to the son of the conqueror of her people. She loves Avito, and, in her husband's absence, gives herself to him. The blind and aged Archibaldo, jealous of his son's honor, surprises her in the arms of her lover and strangles her. As she lies dead he smears her lips with poison, thinking to entrap her lover when he shall come to kiss her. But it is not Avito alone whom he entraps; Manfredo, too, kisses desperately the poisoned lips of Fiora; and Archibaldo, entering then, and thinking he has caught the lover, wraps his arms about the body of his dying son. It is a heart-shaking utterance of the sightless old king upon which the curtain closes:

Ah! Manfredo! Manfredo! Anche tu, dunque,
Senza rimedio sei con me nell'ombra!

It is said by those who best know Italian that Signor Benelli has accomplished in this play a dramatic poem of conspicuous excellence as literature. Upon that point we have no right to an opinion. But, quite aside from its literary quality, the play, as a drama for the lyric stage, is beyond question admirable. It is very simple, very powerful, very moving. It has passion and pathos. It is eloquent of

Earth's old and weary cry.

Would that we could honestly avoid saying that it is worthy a more gifted composer than Signor Montemezzi! Let it be admitted at once, with all heartiness, that Montemezzi is a musician who commands respect. He is a composer of evident scholarship, of indubitable feeling, of deep seriousness and sincerity. It is certain that he has been profoundly moved by the drama he has undertaken to set, and that he is quite single-minded in his endeavor to heighten and intensify it in his music. He is obviously not

concerned about wooing the ears of the groundlings. He has given us a score in which, from beginning to end, there is not a measure that can justly be called meretricious; a score that makes no *ad captandum* appeal whatsoever. He has applied himself with undivided earnestness and devotion to the task of setting forth his dramatic theme with all the enhancing power of which he is capable. There is here no defect of intention, but only a defect of capacity. If dramatic music of the highest order could be achieved without inspiration, then Montemezzi would have given us a masterpiece to which we all, without exception, could offer homage. But for our part, we see no profit in judging a work of art save by the criterion of the best. To extol a new work because it is not so bad as some, or because its composer is very young and may do better, or because he might have done worse, seems, to say the least, beside the point. We have a stubborn conviction that there is no such thing as a second-rate masterpiece. The supreme obligation of music is to be eloquent: if it is not eloquent, it has failed.

It has been intimated that Montemezzi is entitled to some kind of credit because he is different from Puccini. Now it is certain that Signor Puccini has many faults, and has committed many esthetic indiscretions. His place is assuredly not with the high gods of music. But he *can* be eloquent; and he has unescapable individuality—the two cardinal virtues which Signor Montemezzi has not. Montemezzi's ideas lack distinction; but, what is worse, they lack character. His music is wanting in profile; it has no marked personality. It has feeling, it is rhetorically impressive; but of true imagination it has little. We should not think of denying that the scene in “L'Amore dei Tre Re” which arouses the greatest enthusiasm in its hearers—the love scene of the second act—is extremely effective and exciting; Montemezzi has written music for this scene which is an excellent imitation of the real thing—music which the incautious and the non-exigent would assuredly defend as eloquent beyond question. But it is not a difficult thing for the resourceful composer of to-day so to manipulate the marvelous expressional resources that modern music has acquired from the masters of the past that all but the most wary are beguiled into thinking that they are listening to the authentic speech of inspiration. Plagiarism is not implied, for plagiarism is unnecessary. A commonplace

melody, if it be large-molded and passionate in accent, and uttered in an ascending *crescendo* by the wonderful myriad-voiced orchestra that is now at the disposal of any accomplished craftsman, can suggest with extraordinary similitude the veritable tongue of genius. But that is not what we mean by eloquence in music. We mean the kind of eloquence that stabs the spirit like a flaming sword; that strikes the mind with an instant conviction that an immortal saying has been uttered; that floods the heart with something that is part exquisite ecstasy and part exquisite pain; that opens to the inward eye, for a brief moment, a vision of the heights where eternal Loveliness dreams its eternal dream, and makes us know that we have seen

Beauty itself amid
Beautiful things.

It is no pleasure to disparage so earnest, so dignified, so scrupulous a musician as Signor Montemezzi, especially as it is possible for the most exacting to listen with true pleasure to many pages of his opera, wherein are to be found a persuasive expression of feeling that is always sincere and deep. But to say or to imply that he has produced a score which is worthy to be named in the same breath with a work of essential genius like "Pelléas et Mélisande," or like "Elektra," or even like "Der Rosenkavalier," is merely to darken counsel.

Of the production of "L'Amore dei Tre Re" at the Metropolitan no praise could be too hearty. Miss Bori as the much-loved Fiora, Mr. Ferrari-Fontana as her lover Avito, Mr. Amato as Manfredo, the husband, and Mr. Didur as the blind avenging Archibaldo, are so completely satisfying in their several rôles that a sense of the excellence of their impersonations can best be conveyed by saying that they are as nearly ideal as human fallibility can ever permit. As for the achievement of the prodigious Toscanini, who learned the score in a few weeks and conducted from memory a performance of superb impressiveness—but why enlarge upon a miracle? If Mr. Toscanini were dead, the story of his deeds would read like a fable.

Mr. Percy Mackaye has the enviable faculty of awakening high anticipations. We go to a new play of his expecting to find something that will rewardingly excite the mind;

and no matter what shortcomings we may encounter, this particular expectation is sure to be realized. Mr. Mackaye is a man who thinks seriously and nobly about the theater. He regards the theater as eminently worth saving; and if salvation were always so delectable a process as he makes it seem by his new fantastic romance, "A Thousand Years Ago," we should be prepared cheerfully to admit what we do not honestly believe to be the case—namely, that the theater of our time is in need of salvation. At all events, Mr. Mackaye goes about the business of its regeneration in an altogether irresistible manner. Our only objection is to his premise, which is that Romance has too long been banished from the stage by a dull and sodden materialism, and needs to be restored. We think that Mr. Mackaye was unduly depressed when he conceived the necessity for the plea which underlies his comedy. We believe that Romance is very much alive in the modern theater. Was it not only the other day that "Peter Pan" was born there? Was it not only yesterday that the "Blue Bird" lured Mytil and Tytil to their marvelous adventures in its pursuit? We suspect Mr. Mackaye of an amiable disingenuousness in this matter. He himself is a poet and a child of Romance; and we accuse him of pretending a rather more desperate concern for the languishing state of dramatic Romance than he actually feels, in order that he may achieve an excuse for a little poetic frolic of his own.

But he needed no excuse. His "romance of the Orient," as he calls his comedy, has turned the Shubert Theater, for the moment, into a dwelling-place of Romance which even those who are steeped in the sodden materialism which affrights Mr. Mackaye will want to visit. How winsomely, how vividly, how wittily, with how loving and tender a touch, he has resurrected the old tale of the princess who offered her hand as prize to the suitor who could guess her riddles! Turandot, the lovely Princess of Pekin, and her lover Calaf, Prince of Astrakhan, live in this engaging fantasy with an imaginative vitality that is persuasive and engrossing. And how deftly he has introduced, as protagonist, the wise and audacious Capocomico, and his vagabond players out of old Italian comedy—Scaramouche, Punchinello, Pantaloon, and Harlequin. He has given us here an appealing blend of humor and poetry, sentiment and satire; and the very "modern" settings contrived for the

stage of the Shubert by Mr. J. C. Huffman admirably reinforce it. If we cannot say as much for the "interpretative music" of Mr. William Furst, that is only, perhaps, because incidental music in the theater has always been guided by an evil star; and Mr. Furst has been no more fortunate in escaping its influence than have much abler and more conspicuous musicians than he.

Leonora's little girl had a cold—not a *bad* cold: just "one of those sniffy little colds." And when the beast of a man who shared their compartment with them in the railway carriage refused to permit the window to be closed, what more natural, more completely justifiable, than that Leonora should push him out? He was killed, and he deserved to be killed. Who could be so absurd as to say that Leonora was to be blamed for his death? For *did not her little girl have a cold?* That was the fact—the tremendous, extenuating, completely exculpating fact, that Leonora could not seem to make people believe, though she insisted upon it again and again. Of course it was monstrous that they should put her on trial in a court of law for doing what any one—any mother, at least—would have done. Who shall say that it was merely the personal fascination of Leonora that caused the jury to bring in a verdict of "not guilty," and made the judge her surreptitious advocate and her gracious and reverential escort from the court-room when the trial was ended? Was it not rather the essential, the undeniable rectitude of her case that won her an acquittal?

How it all happened is told in Sir James Matthew Barrie's "Legend of Leonora," and you may learn about it for yourself at the Empire Theater, where Miss Maude Adams is the captivating central figure in these thrilling and extraordinary proceedings. The incalculable Barrie has done many unforgettable and soul-satisfying things for the theater of to-day; but we doubt if he has ever been more transportingly witty, more beguilingly whimsical, more exquisitely satirical, more perfectly a master of intellectual fooling, than in this delicious comedy. It would be crime in a capital degree to disclose all the delightful surprises that this prince of dramatic satirists has provided for the attentive spectator in this memorable exposition of a memorable case; but we cannot forbear to quote for his preparatory en-

lightenment the haunting little speech which the Judge makes to Leonora after her acquittal (a speech delivered with consummate art by Mr. Arthur Lewis):

“Leonora, you are one of those round whom legends grow even in their lifetime. This is the sort of thing you might have done had your little girl had a cold. And this is how we might have acted had you done it. . . . You are not of to-day—foolish, wayward, unselfconscious, communicative Leonora. The ladies of to-day are different and—wiser. But as we look longingly at you we see again in their habit, as they lived, those out-of-date, unreasoning, womanish creatures, our mothers and grandmothers and other dear ones long ago loved and lost—and as if you were the last woman, Leonora, we bid you hail and farewell.”

LAWRENCE GILMAN.

THE BOOK OF THE MONTH¹

BY F. M. COLBY

A SUNDAY paper that I have just now been reading quotes in an apologetic and rather startled manner a Frenchman's comment on international marriages. The Frenchman, in bitter words, lays all the blame or the failure of these matings on the American wives, who, he says, are cold, indifferent, impertinent, aggressive, lacking in grace, reserve, and modesty, incapable of self-sacrifice, having no interest in their husband's affairs, restless, and ever seeking the new, the extravagant, and the morbid. While in France marriage is, he declares, a union of two sympathetic persons, a union of two interests, in America, where every one harps on equality, the husband finds no reciprocity in the matter of personal liberty. So when an American girl captures some prince, duke, marquis, count, or baron, by methods resembling "red Indian stratagem," she expects of him flattery, indulgence, and freedom, but on her part recognizes no duties at all toward him. "She cannot adapt herself to the equality existing in European families, to the community of life and interests." Considering the ferocity of foreigners on this subject any time these past ten years, it seems odd to find the thing run in with the news of the day.

The Marquis de Chelles in Mrs. Wharton's new novel expresses this point of view less clumsily, when, turning angrily on his young American wife, he refuses to sell the ancestral tapestries:

"Ah, that's your answer—that's all you feel when you lay hands on things that are sacred to us!" He stopped a moment, and then let his voice break out with the volume she had felt to be gathering. "And you're all alike," he exclaimed, "every one of you. You come from a country we

¹ *The Custom of the Country*. By Edith Wharton. Charles Scribner's Sons: New York, 1913.

don't know, and can't imagine, a country you care for so little that before you've been a day in ours you've forgotten the very house you were born in—if it wasn't torn down before you knew it! You come among us speaking our language and not knowing what we mean; wanting the things we want, and not knowing why we want them; aping our weaknesses, exaggerating our follies, ignoring or ridiculing all we care about—you come from hotels as big as towns, and from towns as flimsy as paper, where the streets haven't time to be named, and the buildings are demolished before they're dry, and the people are as proud of changing as we are of holding to what we have—and we're fools enough to imagine that because you copy our ways and pick up our slang you understand anything about the things that make life decent and honorable for us!"

Who but a Sunday editor, undoubtedly the most easily startled of human beings, could feel the least surprise at this steady damnation of the American wife, whether by foreign observer or by native novelist? Take, for example, the British weekly magazines. Years ago they formed the habit of exposing her and they would no more dream of leaving off now than of omitting the article on "What the Birds Are Doing in Devonshire." Time and again they have burst out upon the American woman all at once, as when one Dr. Andrew McPhail, some three years ago, called her a Hanoverian rat, a San José scale, a noxious weed, a jade, a giantess, and a potato-bug, and was immediately copied approvingly by the other British magazines, and widely quoted on the Continent. He said she was sterile and would soon die out; also that she was a monstrous and unwholesome growth sure to overspread and kill the rest of the species; and in spite of the apparent conflict in the terms, everybody seemed pleased with the sentiment. Indeed, the very words "American wife" have become to many foreigners proverbial, and, it is said, they take the figure on Bedloes Island for a symbol of American womanhood—the colossus of some splendid divorcée who had neglected many husbands and got on in the world—instead of Liberty Enlightening it. As to our native fiction, its figure of the bad American wife, or woman in her social ascension, seems hardly less monumental and fixed.

Mrs. Wharton's Undine Spragg is a creature of great beauty and much natural ability, with a wonderful nose for social distinctions. Her life is, for the most part, a series of little upward movements out of the "wrong set" into the right one. As a child in the yellow "frame" cottage of Apex City she yearned for gentility, and she continued to

yearn for it, even after the family was installed in the plush parlors of the Mealey House. At each stage she soon perceived that there was something better still beyond and she resolutely sought it, dragging her parents from third-rate to second-rate hotels, and rising from "buggy-rides" with a dentist's assistant to an affair with a riding-master who said he was an exiled nobleman. She discovered that he was not, and profited from the lesson. She profited, indeed, from every social lesson, especially from one imparted to her by her mother's *masseuse*, the friendly Mrs. Heeny, who was an authority on New York's best society. "The wrong set," said Mrs. Heeny, "is like fly-paper; once you are in it you can pull and pull, but you'll never get out of it again." This was after Undine was fairly launched, in a private drawing-room of the Hotel Stentorian in New York, whither her parents, now prosperous, had brought her in order that she might have "her chance." The walls were hung with salmon-pink damask, and in the center of the room was a gilt table with an onyx top, bearing a palm in a gilt basket and a copy of *The Hound of the Baskervilles*. Here for the moment she was happy, but she soon saw that it was not "the thing."

▷ The consummate reviewer would no doubt point out many striking analogies, and I wish my memory were not so bad. But I am sure that her pedigree runs back to Mrs. Potiphar, and that forebears may be found in the writings of Charles Dudley Warner and Mrs. Burton Harrison, and that she is related to Selma White, and to the heroine of *The Bread-winners*, and to the young woman that Mr. Robert Herrick published last spring, and to the young woman in Helen Huntington's *Marshlights*, published last autumn. Not to imply that she is a compilation, a thing of literary shreds and patches, for, on the contrary, she is uncommonly well-knit. I refer merely to the persistency of the type, the grip on our fiction of this same climbing woman, who rises from rag carpets to ormolu in the eighteen-sixties and from ingrain carpets to marble suites in 1913, and from ordinary becomes important, and from important becomes *chic*, and leaves behind her, oh! such a devastated trail of sad and out-grown things—red table-cloths, little homes with "Welcome" on the door-mat, flats without a bell-boy, flats with, *fiancés* in every stratum, beginning, of course, with the buggy-riding era, gas logs, good souls in linen dusters, the

broken father, the friend who might have helped her, the sensitive child, and the financially ascending series of husbands. For it is graven on the tablets of literary destiny that she who with cold heart deserts the ranks where gum is chewed shall soon desert a husband in a fur-lined overcoat, and from that point on the cruel anabasis into best society is predeterminate, and she goes to the devil like clockwork. Now the gods and graces have been kind to Mrs. Wharton, who can always renovate a stale matter or see a familiar object with fresh eyes, but for the others there is the danger that in their treatment of this climbing woman they may fall into a sort of ritual. For her lines are hardening every year, and since minor fiction lives on itself in strange autophagy, she already seems an allegory bearing a moral lesson and nothing else, like Death or Satan in a mystery, or like some figure in a revel, which at the moment of entrance is grasped by the mind once and for all time—*adventavit asinus fortis et pulcherrimus*—and so an end to surprises and to all the fun of guessing.

By a stroke of fortune Undine Spragg was swept to the very summit of New York gentility through her marriage to Ralph Marvell, the flower of Washington Square aristocracy. There is an admirable description of the Marvells and their connections, who represent New York's waning noblesse:

Ralph sometimes called his mother and grandfather the Aborigines, and likened them to those vanishing denizens of the American continent doomed to rapid extinction with the advance of the invading race. He was fond of describing Washington Square as the "Reservation," and of prophesying that before long its inhabitants would be exhibited at ethnological shows, pathetically engaged in the exercise of their primitive industries.

Small, cautious, middle-class, had been the ideals of aboriginal New York; but it suddenly struck the young man that they were singularly coherent and respectable as contrasted with the chaos of indiscriminate appetites which made up its modern tendencies. He, too, had wanted to be "modern," had revolted, half-humorously, against the restrictions and exclusions of the old code; and it must have been by one of the ironic reversions of heredity that, at this precise point, he began to see what there was to be said on the other side—*his* side, as he felt it now to be.

Undine found these people "frumpy" and was soon absorbed in the brilliant "Van Degen set," which is described with many caustic touches. In dealing with these mental unfortunates Mrs. Wharton differentiates the types most cleverly while keeping the even tenor of her contempt.

It is wonderful how in a word or two she can call to the mind a type or extinguish a pretension or present a complete picture to the eye. Disagreeable persons are never condemned or brought obviously to ridicule by Mrs. Wharton. They are in a delicate phrase or two artistically snubbed. For example, the "lovely, aimless" Mrs. Beringer, who kept "a home for stray opinions and could never quite tell them apart"; Mr. Popple, the painter, whose portraits were "not pictures of Mrs. or Miss So-and-so, but simply of the impression Popple thinks he's made on them"; and "the Harvey Shallums, fresh from Paris, and dragging in their wake a bewildered nobleman vaguely designated as "the Count," who offered cautious conversational openings, like an explorer trying beads on savages." To the extinguishment of the above-mentioned Mr. Popple she devotes more space.

Mr. Popple, like all great men, had at first had his ups and downs; but his reputation had been permanently established by the verdict of a wealthy patron who, returning from an excursion into other fields of portraiture, had given it as the final fruit of his experience that Popple was the only man who could "do pearls." To sitters for whom this was of the first consequence it was another of the artist's merits that he always subordinated art to elegance, in life as well as in his portraits. . . . Mr. Popple, in fact, held that the personality of the artist should at all times be dissembled behind that of the man. It was his opinion that the essence of good breeding lay in tossing off a picture as easily as you lit a cigarette. Ralph Marvell had once said of him that when he began a portrait he always turned back his cuffs and said, "Ladies and gentlemen, you can see there's absolutely nothing here." He was, moreover, as literary as he was artistic; possessing an unequaled acquaintance with contemporary fiction, and dipping even into the lighter type of memoirs, in which the old acquaintances of history are served up in the disguise of *A Royal Sorceress, or Passion in a Palace*. The mastery with which Mr. Popple discussed the novel of the day, especially in relation to the sensibilities of its hero and heroine, gave Undine a sense of intellectual activity which contrasted strikingly with Marvell's flippant estimate of such works. "Passion," the artist implied, would have been the dominant note of his life, had it not been held in check by a sentiment of exalted chivalry, and by the sense that a nature of such emotional intensity as his must always be "ridden on the curb."

Back and forth between Paris and New York, with an occasional visit to Dakota, when husbands must be dropped, Undine speeds ruthlessly along, driven by the few simple appetites with which the author has endowed her. Ralph, the Washington Square husband, commits suicide, being of that fragile and poetic mold which in fiction at least usually

dies of the wrong petticoat. De Chelles, the French aristocrat, is of tougher fiber, and survives. The third and final husband is the coarse-grained, self-made man, now become a great figure in the world of finance, whom in her girlhood she had secretly married. But it is ungrateful to telescope into a summary a book which so plainly owes its interest not to the ins and outs of circumstance or to the development of character, but to what Henry James calls the "social scene." It is astonishing that reviewers should be complaining that Mrs. Wharton is not "sympathetic" with the characters, that her revelations are "hard and cruel," that only the weaker sort of person described by her has any "heart," etc. She has written books in other moods. Why blame her for not being all things at once, and for not throwing in something at intervals to reassure us that, after all, human nature is a lovely thing? Surely it is permissible to survey a few groups of miscellaneous New-Yorkers in a spirit, say, of cool inquiry, without yearning to clasp a single member of them to one's bosom. It does not seem to me that this is cynicism. It seems rather a measure of mental hygiene. And I for one have found myself disliking almost everybody in the volume and yet reading with great pleasure every word of it—rather a grim pleasure, to be sure, and not so keen as that afforded by her work in other fields.

And I like this reduction of our showy social mess to its rather meager simplicities, and the picture of New York, not as a metropolis, but as a village gone into hypertrophy, with its trades-people turned wholesale and socially important, and furriers, tobacconists, jewelers, and carpet-men, all wonderfully swollen into newspaper notables, while some genuine Napoleon of green vegetables is unaccountably left out, and its queer, loud, unaccustomed gentilities, and its fearful anxieties of taste. I am told that many a corner grocer under a magnifying-glass looks exactly like a great financier—just as a flea looks like a dinosaur seen through the microscope. In Mrs. Wharton's gentry of Manhattan we see the gentry of her Apex City, unchanged in texture, but, by accident of wealth, rather ridiculously distended.

F. M. COLBY.

NEW BOOKS REVIEWED

THE LIFE OF EDWARD BULWER, FIRST LORD LYTTON. BY THE EARL OF LYTTON. London: The Macmillan Company, Limited, 1913.

From one point of view the long-awaited *Life of Bulwer Lytton* is somewhat disappointing. It is, indeed, a little surprising that the biography of so brilliant and active a man as the author of *The Last Days of Pompeii* and *Zanoni*—one feels tempted to add, in early nineteenth-century fashion, “etc., etc.”—should afford so little that is of direct worth to thought or to feeling. For the *Life* does not contain much that a man can profitably translate into the terms of his own experience. The expressions of feeling in Bulwer’s correspondence leave us cold; the truths he found appear never to have been especially deep or subtle. It seems as though in the course of his busy, troublous, ambitious life, he never had time—if he had capacity—for those deeper moments of consciousness in which are matured our more sincere and profound thoughts. One does not see him experiencing those changes of heart which come to a man when he has been wrestling with his own soul in the dark. On the contrary, there is a kind of rigid consistency about him. He is offended, he relents; he acts, in short, with a magnanimity and generosity uncommon in the most gentle of men. But in all this process there is nothing to prevent him from being a second time offended in precisely the same way as before. He seems to *concede*—not to forgive. When he is moved he expands with a kind of elaborate effusiveness; yet making all due allowance for the epistolary style of his day, it strikes one that he never gets to the root even of his own feeling. No man was more adept at stating the logical grounds of his emotion: he seems not to have suspected that these were not uniformly—as they so seldom are—the real grounds.

In considering this aspect of Bulwer, it is, of course, impossible not to have in mind his bitter marital unhappiness. Poor Rosina Wheeler! Hers was evidently one of those complex minds which can be governed to good purposes only by the most careful and intimate self-control; and this sovereign quality she had less than the average chance to acquire. After an embittered childhood, inexperienced in the realities of affection, lacking that spirit of respect and reverence which wise love inspires, she faced the world in the frame of mind most perilous to one of her temperament—that of requiring from life compensation for all she had missed or suffered. Nothing, perhaps, more completely hoodwinks the soul than the belief that deprivation or injustice relieves the sufferer from responsibility. Yet the earlier references to Rosina Wheeler, in the *Life*, give us glimpses of a personality attractive and by no means unamiable. Bulwer’s infatuation for Miss Wheeler was vigorously combated by his mother, and when

at length he married without his mother's consent she retaliated by cutting off his allowance. Under these difficult circumstances, the young wife appears, by her letters, to have behaved with surprising discretion. At that time she felt that her husband was all hers; that he was upon her side in any quarrel that might arise even when the other party was his mother. The chivalry of his behavior won Rosina, we may read between the lines, as nothing else could have done; it won her even to moderation and generosity. But this could not last. As Bulwer became more and more absorbed in his literary work, arriving in time at a state of almost chronic author's irritability, his wife lapsed deeper and deeper into dissatisfaction and jealousy.

When we turn from Rosina to her husband—what a contrast! Bulwer seems the embodiment of reasonableness and self-restraint, his wife ungovernable and always hopelessly in the wrong. We cannot, truly, deny that Bulwer possessed self-command in an unusual degree. His strength excites our admiration, yet there was a weakness in it, and the symptom of this weakness is a thing which for lack of a better name we may call "the rhetorical process." The rhetorical process is the attempt of the mind to get along without the will, and it begins where self-control ends. It consists of elaborate and unnecessary self-vindications, of definitions of one's attitude, of declarations of what one would or would not do under certain unreal circumstances, of vain speculations upon serious matters. Giving way to this process, a man may be as ingenious as Polonius, and will be in all probability as futile. He will certainly miss the heart of every matter. Every one who has succumbed to the temptation of writing an elaborate reply to an impertinent letter knows the rhetorical process. The mental act of writing the unnecessary reply is a substitute for the spiritual act of dropping the letter into the waste-basket and forgetting the incident as soon as possible.

Bulwer's frequent yielding to this rhetorical tendency seems to betoken a weakness not so different from that of his wife as might at first blush appear to be the case. Doubtless in any event Rosina would have proved a discontented and trying wife, but, as it was, she became a paranoiac. If her husband had possessed a deeper, a more spiritual self-control, the awfulness of the tragedy might have been averted. Rosina's violence was perhaps an instinctive effort to provoke from the man whom, in her way, she loved the unqualified love she craved. But Bulwer always qualified, and then qualified the qualifications. If only he had not tried to do by logic what could only be done by will and instinct! In their frequent abrupt quarrels and reconciliations it is curious to observe the automatic workings of the minds of both. Plainly the will is not present here. Will—the will that precedes judgment and makes it possible—that is what we all need.

The Earl of Lytton rather acutely points out a weakness of his grandfather's in constantly confusing his ideal of himself with the true man. Edward Bulwer Lytton himself declared that a man might become almost what he liked. So saying, he "spoke a great word and fulfilled it." Few men have so fully accomplished what they set out to do in the world as did he, and in this respect his life yields direct inspiration. But his career seems also to illustrate the deeper truth that it is a mistake to substitute an outward ideal for the instinct that should inform and correct it.

In most ways the biography confirms the opinion of Bulwer that may be drawn from his own writings. It does not lead us to attribute to him greater depth of imagination, but rather a greater preponderance of good sense over fancy and feeling than the novels might be thought to indicate. For example, his interest in the occult was coolly skeptical and his final attitude toward the subject was almost explicitly that of the modern, disillusioned though puzzled psychic investigator. His political effectiveness, his oratorical brilliance, the versatile activity of his mind as shown in his letters, are all just what we should expect.

Further, this should be said: the *Life* gives us finally a substantial respect for the man of whom it treats. Bulwer had no such genius for self-pity as Rousseau, as Byron, or even as Dickens. He cannot at once disgust and attract, and by so much he seems the more manly. His character has the dignity of honorable ambition, if not of devotion to art in the highest sense. It has the magnetism of keen intellect if not of those deep, whole-souled natures we call greatest—and in the long run it commands respect. As a piece of writing, the *Life* is as clean, straightforward, and interesting as Forster's *Dickens*.

THE LIFE OF FLORENCE NIGHTINGALE. By SIR EDWARD COOK. London: The Macmillan Company, Limited, 1913.

The desire to know how greatness of character originates can never be fully satisfied; yet in the life of such a woman as Florence Nightingale—a life in which we see character developing as an independent force—we seem to get a certain light upon the mystery. Do heredity and environment furnish the all-sufficient explanations? Cases of eccentric or extremely specialized genius sometimes lead us to think so. Emerson, we remember, had as much hereditary right to metaphysical insight as any seventh son of a seventh son to occult powers. Similar cases of inherited tendencies are not hard to find. But what of Florence Nightingale?

Some of her traits may be easily accounted for. Kindness of heart, gentleness of soul, mental acuteness, belonged to her by heritage. But none of her family ever displayed the wonderful force of character and initiative that were hers. Considering as a whole her busy, eventful, compassionate life, we are constrained to regard her as one of nature's fresh starts—a successful attempt to produce a new and higher type of human being. Among founders of families and originators of new movements, such persons are occasionally met with, and they are always sharply differentiated from those who are distinguished merely by that intensity which results from narrowness.

That Florence Nightingale was not one of the narrowly intense is proved by the story of her early life—her period of aspiration. She was well equipped to shine in society—and in society of the brilliantly intellectual sort which was open to her she unfeignedly delighted. But she put it aside. So original was she in thought and expression that unquestionably she might have won notable success in literature. The literary career was repeatedly urged upon her; but she put it aside in favor of a way of life that involved, besides great labor, stubborn conflict with conventional opinion, with military prejudice, with medical jealousy, and with religious intolerance. Plainly she was not one of those women who are

untouched by love or by the desire for love; intellectually she approved of marriage and temperamentally she was fit for it. Yet she put love aside, not without recognition of its worth, but entirely without the sentimentality of sacrifice and even with a kind of brusquerie.

Indeed, in all this putting aside there was none of the mockery of asceticism. "Do you think me an ascetic?" she once wrote to Dr. Sutherland, who had urged her not to sacrifice the body to the spirit. "Asceticism is the trifling of an enthusiast with his power, a puerile coquetting with his selfishness or his vanity, in the absence of any sufficiently great object to employ the first or overcome the last." Nor was she a mere fighter, loving contention for its own sake. The fine balance of her nature is seen in her perfect freedom from conventionality—a freedom unaccompanied by any love for the opposite quality in itself. For insincere trifling with the idea of goodness she had only amused contempt, and she wasted little patience on those who, in the guise of helpers, hindered her. But for the more ordinary feminine type, whose destiny is to adorn and bless a home, she had kindness and appreciation. Of her charming and accomplished sister she wrote: "No one less than I wants her to do one single thing different from what she does." But for herself, she was calmly certain that the life of home and the approved occupations of women were not sufficient. On one page of a religious work she had been reading, entitled *Passages from the Life of a Daughter at Home*, she made this pungent marginal note: "Piling up miscellaneous instruction for oneself—the most unsatisfactory of all pursuits!" Always she was conscious of a high destiny, and the final truth about her, so far as it is humanly discernible, seems to be that in her the mind could not by virtue of its versatility and power of enjoyment lead the will, but the will used the mind for the purpose it chose. Method, order, grasp of detail, her most conspicuous qualities in later life, were not native tendencies; they were patiently cultivated.

How closely connected are insight and real earnestness of purpose—the earnestness that is not merely the result of a fixed idea—may be seen in many of her comments upon life. The sayings of Florence Nightingale have indisputably the flavor of a great nature. Such natures have a way of getting directly to the heart of a question, and to them a certain shrewdness and vital humor are seldom unnatural. Instinctively we think of Joan of Arc, of Anselm, of Abraham Lincoln. Miss Nightingale was not invariably right—who is?—but she had insight, and her vivacity, her power of saying exactly what she meant, are constant sources of delight and edification. We need not be surprised, moreover, to find that, like many other practical persons, she was something of a mystic; and although, as the result perhaps of the influence upon her of such minds as those of J. S. Mill, Jowett, and George Eliot, she tried to formulate her beliefs in somewhat too positivistic a fashion, her faith was essentially simple and genuine.

The complete story of her life as told by Sir Edward Cook is valuable as a part of the history of civilization; but chiefly it is of significance as portraying through her own words and acts the character of the woman, as no mere analysis could portray it, showing us how much of solid worth and unsentimental benevolence there was in the "ministering angel" of the Crimea, and how much of lovable human nature in the stern temper of the reformer—above all, illustrating that greatness of character

which is founded on spiritual independence. The book, therefore, in all its voluminous detail repays the most careful reading.

THE INTIMATE LETTERS OF HESTER PIOZZI AND PENELOPE PENNINGTON.
Edited by OSWALD G. KNAPP. New York: John Lane Company, 1914.

Additional information about Dr. Johnson's Mrs. Thrale will be sure to prove attractive and interesting to a rather large circle of readers. We are, surely, further removed in spirit from the eighteenth century than from Elizabeth's spacious times or from the age of Pericles, and Mrs. Piozzi was as much of her time as was the object of her greatest admiration, Dr. Johnson. Throughout her desultory, familiar, self-expressive correspondence she is, when she does not merely gossip, as much occupied in her light way with analyzing current values as was Dr. Johnson in his weighty way. She was a moralist because moralism was culture. Moreover, life was to her an exciting affair; its variety offered endless opportunities for the exercise of a critical and appreciative mind. For every one of the ills of existence this amelioration at least was provided: that one could always make a just remark about it. Having said the right thing, one felt orientated with the universe; ruffled feathers could be smoothed and the humming-bird flights of a lively mind could be resumed with fresh courage. To be ill, to be bled, to be physicked, to witness the sufferings of a gouty husband, to observe a charming female friend "going into a decline"—these were miseries to be reckoned with. But one could at least judge them rightly, and, in taking the proper attitude, feel a self-respectful satisfaction. One studied, therefore, to get the right note of resignation or of appreciative sentiment into every opinion, and one saved one's mind alive.

In all this there was zest, but no very deep or infectious enthusiasm. Indeed, it sometimes seems as if Mrs. Piozzi and her contemporaries entertained the most flattering opinions of anything in literature or life with which their critical acumen could find no fault, whether or not the thing itself afforded them much real enjoyment. On the other hand, whatever offended their sense of proportion was likely to seem wholly contemptible. But if there is a certain dry superficiality in Mrs. Piozzi's quaintly characteristic self-revelation, at any rate she never committed the romantic error of magnifying her joys or sorrows to infinity. She is usually shrewd, bracing, and wholesome; her letters are full of an unfailing animation, of an admirable vigor. At the same time among all the little pleasant flashes of disposition in which the letters abound, there is little indication of character or even of especially strong mentality. There is no denying that an occasional quotation of words emanating from one of the greater personalities—such as that of Fanny Burney—contrasts rather strikingly with the great mass of Piozziana.

In short, after a perusal of the intimate correspondence of Mrs. Piozzi, the reader will be able to see more clearly than before what was the nature of the fascination which this woman exercised upon Dr. Johnson, and also what it was that made possible his severe reprobation of her conduct after the death of Thrale. For even men as subject to violent prejudice as the great Lexicographer do not cast off friends for, so to speak, technical reasons. Prejudice, like admiration, is of slow growth, and generally

nothing so fully damns a person in our eyes as the apparent confirmation of a long-entertained suspicion of weakness in him. The *Letters*, therefore, while enabling us to judge their author with something of the lenience that understanding teaches, throw back a certain light upon the relations of Dr. Johnson and Mrs. Thrale. Moreover, to those who possess a flair for eighteenth-century life, manners, and style, these letters offer a fresh opportunity for analysis and amused reflection. If there sometimes supervenes a little of that weariness which naturally arises from reading letters not intended for one, curiosity concerning the friend of Dr. Johnson will carry us through.

MIRABEAU: A BIOGRAPHY. By LOUIS BARTHOUS, Prime Minister of France. New York: Dodd, Mead & Company, 1913.

That the life of a statesman is usually best written by a statesman (of a later day) is a truth frequently illustrated, and it has seldom been better exemplified than in M. Barthou's illuminating and brilliantly written biography of Mirabeau. Probably the life of no other great man offers so many confusing questions of fact and interpretation, so many strange anomalies of character, as does that of Mirabeau. And necessary as it is to view his career, as M. Barthou does view it, in the light of a wide knowledge of history and of affairs, there can be no understanding of the influence wielded by the statesman without taking into account the personality of the man. Fully appreciative of this fact, M. Barthou seeks on every page to give us not merely a clear-cut presentation of facts, but a living impression of character. Mirabeau's temperament and genius are accounted for, so far as such phenomena ever can be accounted for, through heredity. The story of his early life, close packed with action, redolent of disreputable intrigue, feverish with passion—this extraordinary career, of which the outstanding incidents are seductions, fierce quarrels with wife, sister, and father, slanders, self-justifications, imprisonments, and the endless production of letters, pamphlets, books—all this is told concisely but unsparingly. Nothing is glossed over, yet as we read we cannot help being won to admiration by Mirabeau's superhuman energy, his resourcefulness and audacity. It is as though the man's character in a manner purified itself through a violent activity of thought and deed, always turbulent, but seldom quite ignoble. Telling the tale with perfect lucidity and frankness, M. Barthou makes us feel the character of Mirabeau as his contemporaries felt it. It seems that only by rare good fortune are we able to say in regard to any single event of Mirabeau's pre-political life that his motives were honest or his conduct blameless. Even the vexatious question as to the degree in which his written works owe their quality and substance to plagiarism or collaboration arises repeatedly. All this comes out clearly in the narrative, but at the same time the essential bigness of Mirabeau comes out with a clearness that is surprising. M. Barthou, however, has not been hypnotized by the character of the man about whom he writes, nor does he regard Mirabeau as one of the forces of nature. There is always an adequate detachment in his attitude toward him.

The story of Mirabeau's tempestuous early life admirably prepares one to understand the great part of his career, and here, too, the biographer

does justice to his subject through the gravity and insight of his judgments. Carefully tracing Mirabeau's political course, and reading the man through his policies, he finds in all that he did a certain unity and integrity of purpose. Mirabeau's plan for the salvation of the throne was, indeed, too involved and subtle for practical use. Nobody, except perhaps a Mirabeau clothed with full authority, could possibly have carried it out. But what if, in November, 1789, Mirabeau had been minister? M. Barthou replies that it is not too much to say that the destinies of the country would have been changed. "What Mirabeau, the secret adviser of the court could not accomplish at the time of his death, Mirabeau, the responsible minister, would have attempted eighteen months earlier, and would no doubt have succeeded in doing." And this verdict seems a just summing up of all the more or less intangible evidence of events and of character. Well balanced and convincing, the biography reflects the volcanic passion and contradictoriness of Mirabeau, in many brilliant sallies of characterization, reminding one in this respect of Lord Rosebery's *Chatham*.

MEMOIRS OF LI HUNG CHANG. Edited by WILLIAM FRANCIS MANNIX. Boston and New York: The Houghton Mifflin Company, 1913.

Li Hung Chang was absolutely the most widely known Chinaman in the world, and probably the name of no other foreign statesman, unless it be that of Bismarck, brings up in the minds of so many Americans so prompt and so strong an impression of character. Yet concerning Li Hung Chang as a man and as a statesman, we have had, after all, only anecdotes and scraps of information. Readers of all sorts, therefore, will probably turn to these recently published memoirs of his with more than ordinary curiosity.

We think of him as a great man and as a representative Chinese—we may add, as a man of "unique personality." But this last phrase, by its connotation, perhaps does him injustice. For the final impression that the *Memoirs* leaves upon the mind is not one of eccentricity, of whim, or of racial difference, but rather of sobriety, of consistency, and of that community of intellect and character in which the great men of all races meet.

This is not to deny that in Li's familiar writings—for the book is made up of extracts from his private journal—there is often a flavor distinctively and delightfully foreign. Opening the book at random, we chance upon such sentences as, "I therefore excuse you from decapitation," and, "Upon the last occasion, Her Majesty flew into the worst rage of late times." These are indicative of that difference of thought-color which so often affects us pleasantly in the expression of foreigners. This effect of racial idiom in the writings of Li Hung Chang is more or less pervasive but on the whole not so predominant as we might expect.

As an Oriental he is somewhat more addicted to metaphor and simile than are Western writers upon matter-of-fact subjects. Into such figures of speech he expands liberally at times, so that one does not forget that he once cherished the ambition of becoming the poet laureate of his country. He frequently falls into a sententious style, and he is a maker of original maxims. Sarcastically he asks the ill-advised reformers, "Why not kill all your flock of turkeys because one of them has a limpy foot?" His version of "Uneasy lies the head that wears a crown" is "How great and

honorable is the Peacock's Feather of the Throne, yet how much easier rests the head on goose feathers!" This is Chinese enough, surely, but on the other hand Bacon might have written, "It would seem that a great many people do not imagine they are doing things at all unless they are going to extremes." On a great variety of topics, from matrimony to the tall buildings of New York, Li's opinions, or the form in which they are expressed, have something of that unexpectedness of which we are perhaps a little too avid.

But through it all we see him as a man of massive character and lucid mind. Li Hung Chang was, in a sense, a self-made man; for his father, though able to give his son a thorough education, held no official position and had no influence with the government. Li distinguished himself early in his studies, and at first his aspirations seem to have been purely literary. But at the close of his student days the Taiping Rebellion broke out; he raised a volunteer regiment and entered the fray. For four years he was a warrior, and the end of that period found him at the head of the force which put an end to the uprising. Under his command were such men as General Ward, who organized the "Ever-Victorious Army," and "Chinese" Gordon. For twenty-five years Li Hung Chang was Viceroy of Tientsin. Among the difficult negotiations which he brought to successful conclusions were those relating to the differences with France growing out of the Tientsin riots in 1870, the peace negotiations following the Japanese War, and the propitiation of the Powers after the Boxer outbreak. Four times the Empress Dowager, in her wrath, stripped him of his yellow jacket; yet he never wavered in his allegiance, and almost with his last breath he saved his country.

His superiority of mind is in no way made more manifest than in the gradual change of his attitude toward foreigners and Christians. Rabidly anti-Christian at first, and filled with patriotic hatred of the "foreign devils," he attained in the end to a degree of tolerance and even sympathy that is all the more remarkable when one remembers that his education had been purely Chinese and that until his seventieth year, when he made his tour of the world, he had never visited the Western nations.

His journal shows him very human. It is true that he is somewhat more ruthless toward evil-doers than are we, somewhat more indifferent to the shedding of blood. It is also true that he does not care for Western music. But, on the whole, he lives in the same world, morally and intellectually, with the rest of us. It is likely that his *Memoirs* will help to dissipate the more or less mythical notion that the Oriental and the Occidental minds are in some mysterious way incomprehensible to each other.

THE QUEST OF THE BEST. By WILLIAM DEWITT HYDE. New York: Thomas Y. Crowell Company, 1913.

This book of President Hyde's is one of the few of which it may be said at once and without reserve that they will do good. It illustrates the hopeful present tendency to formulate the results alike of common sense and of abstract thinking to a serviceable end, and, instead of insisting upon dogmas and doctrine, to select from science, philosophy, and the thought of the best and wisest men, what is most applicable to life.

The Quest of the Best is addressed primarily to parents and teachers;

but a book that embodies insight corrected by experience is not to be neglected by any one. Tactful treatment and a persuasive style we look for in any writing of President Hyde's, and not in vain.

The author begins with an analysis of "natural badness" in boys, and here it may be noted that without implicating himself in any special theory he not only recognizes facts, but also thinks along the lines of the most useful and suggestive modern thought.

As to "natural badness" his teaching runs parallel to Professor Royce's doctrine of "original sin," in which, indeed, no one—idealist or not—can well fail to perceive an inner truth. Boys are naturally bad, but their natural badness is but a form of goodness in disguise. Before evolution had shown the relativity of morality to man's degree of development, it would have been hard, no doubt, to get such a statement accepted. But since most people will now readily admit that what was virtue in an age of primitive struggle may be sin to-day, it is well that this enlightened view should be made widely effective. Rapacity is a virtue in an age of sharks, but not in an age of civilized men; and boys are likely to be rapacious.

How is the natural badness of boys to be developed into the genuine goodness of which it is the germ? Artificial goodness—the goodness that is based upon restraint—is at best a makeshift tending to provoke bitterness and rebellion. It is a necessary phase, but none the less a makeshift—so much we might learn from history, perhaps, if we chose. President Hyde makes his point very plain with respect to many special matters that have to do with boys. The ideal which he holds up as most real and as most effective in transforming natural and more or less pardonable badness into progressive goodness, is essentially that of service: "The Quest of the Best is the aim to fulfil each interest, so far as it furthers the fulfilment, in proportion to their worth and claim, of all interests of all persons."

The truths expressed in this book both accord with experience and fit into the wider generalizations that have been accepted as useful and inspiring. These are truths of the kind of which there is most need. The sanity of the book is indicated by the fact that, although it holds up a difficult standard, there is nothing in it that conflicts with our enjoyment of *Huckleberry Finn*, or the more boy-like portions of *Tom Brown at Rugby*.

THE LIFE OF THE FLY. By J. HENRI FABRE. TRANSLATED BY ALEXANDER TEIXEIRA DE MATOS. New York: Dodd, Mead & Company, 1913.

That variety of religious experience which Stephen Graham describes as characteristic of the Russian pilgrim has a sort of counterpart in "the adventures of the soul among books." The pilgrim, seeking ever to renew a certain deep and sweet emotion which neither he nor we can define, wanders ever farther from home in search of new shrines; the reader in his pilgrimage through the literature of this and other times, for the most part seeks, consciously or not, to repeat in some form the impression made upon him by one or another of the great books of the world. Such, apart from the case of those who search for facts alone, is doubtless the real motive of most of the sincere reading that men do. And when in our journey we come to the shrine at which the naturalist Fabre worships, we

shall be sure to find something of the solace and inspiration we instinctively seek, though we may be quite unable satisfactorily to define its nature. Without question, to many, M. Fabre's book, *The Life of the Fly*, will mean a moment of rest for the hurrying soul, an impression of mystery and awe felt to be permanent, a fresh point of departure.

Not that M. Fabre is given to rhapsodizing—far from it. He deals chiefly in facts, and he loves to let the eloquence of facts proclaim itself. Darwin bestowed upon this man the title, "incomparable observer," and Fabre's discoveries justify the tribute. The first third of his book is mainly a painstaking account of the life-cycle of the Anthrax fly. The facts themselves, even when briefly stated, are amazing. The grub of the Anthrax feeds upon the larva of the Mason-Bee; but since, unlike most flies, the Anthrax has no weapon for wounding its victim, and since the grub is similarly helpless, the question arises how this feeble worm is able to obtain the needed nourishment. M. Fabre discovered that the grub, with its microscopic mouth, draws food from the fostering larva by an obscure process resembling endosmosis, and does so in such a way that the larva does not die and decay, but remains alive and fresh to the very end, when it is reduced to a mere pellet. But how does the helpless grub make its way to the sunshine through the thick concrete dome of the Mason-Bee? The answer to this question involves the description of a most striking instance of the adaptation of means to a merely temporary end. In the stage intermediate between the larva and the fly the Anthrax is found equipped with a complete set of picks, gimlets, and graters, for drilling through the hard dome—tools which there is nothing in the form of either the larva or the mature fly to suggest. But even this is not all; a greater puzzle is the means by which the grub originally enters the home of its victim. Through a series of careful observations M. Fabre was able to show that the grub when it first emerges from the egg has the form of a thin, transparent, almost invisible worm, and that this worm, after protracted efforts, is able to make its way through minute crannies in the Mason-Bee's Roman vault. Later this almost microscopic creature is transformed into the fat grub whose only duty in life is to grow fatter.

Does all this sound like the trite account of a scientific marvel? As M. Fabre tells the story, it is, on the contrary, an inspired account of one of the mysteries of life. It is fascinating, uncanny, productive of awe. M. Fabre is not a philosopher in the strict, technical sense, but he is something greater and better—a man of truly philosophic mind. Free from metaphysical prepossessions, loving truth, candid by nature, and master of lucid expression, he continually startles us not only with truths that we did not know, but with those that we have always known. In his discussions of such topics as heredity and instinct, his simplicity clears the air of metaphysical and scientific confusions, and in the new atmosphere we breathe with a certain exhilaration. Nor must we fail to reckon as part of the charm of his book the author's personality—his patience, humor, and lovable enthusiasm, as revealed in several vividly descriptive and deeply felt passages of autobiography.

LETTERS TO THE EDITOR

LETTERS FROM MEXICO

MEXICO CITY.

SIR,—On reading your article on “Mexico” in the December number of *THE NORTH AMERICAN REVIEW*, just received, I at once cabled you “Congratulations and hearty thanks for your excellent article regarding Mexico.” Every one here who has read the article (which has been given greater publicity than you perhaps know, having been reproduced in the *Mexican Herald* of the 14th) feels that it is not only a fair presentment of the situation, but exceedingly timely. Most Americans who, like myself, have been many years in touch with this republic, while they have not lost their local and national interest in American problems and affairs, feel that, while President Huerta’s administration—like all others before his—might be much improved on, it is the best we have here, and that it would not be wise to undertake to exchange it for one or more—probably one after another—of the dissenters of the northern part of the republic. Knowing and having followed, article by article, your campaign of many years in favor of Woodrow Wilson as a candidate for the Presidency, I feel that he should—and may—listen to the very human suggestion you make at the close of your article.

I saw to-day the editor-in-chief of the *Diario Oficial*, the official organ of the Mexican Government, and found that your article on Mexico had been translated and published in yesterday’s issue, as it is regarded as of great importance. I inclose you José Juan Tablada’s card and the paper containing your article, with the compliments of this gentleman.

H. S. L.

MEXICO CITY.

SIR,—Your view of the Mexican situation which appeared in *THE NORTH AMERICAN REVIEW* has been republished in the *Mexican Herald* of this city.

I have resided here in Mexico for nearly fifteen years. Prior to my coming here I lived eighteen years in Arizona and New Mexico, and I believe that I am fairly well acquainted with the political situation here in Mexico and the peculiar temperament of the Mexican people. I have read with much interest your views on the Mexican situation, and I desire to say that it is one of the most comprehensive and able articles published pertaining to a proposed policy for the United States to extend toward Mexico.

It is a hard matter for an able man even to acknowledge a gross error, but when the justice of it is made apparent and he complies manfully, such

acts will contribute to his future success, and eventually people would recognize his greatness and acknowledge it by emulating him in acts and teachings.

WM. W. MILLER.

GAINESVILLE, TEXAS.

SIR,—For many years I have followed with interest and profit your illuminating writing, both in *THE REVIEW* and in *Harper's Weekly*. I have always imposed considerable trust in your splendid ability and sane judgment. But your last editorial on "The President and Mexico" is from nearly every standpoint distressingly disappointing. I knew that the blue blood of a far-seeing literary aristocracy flowed in your veins, but I could never have believed that personal pique could have colored your better judgment and warped your hitherto clear logic as it evidently has in this editorial.

I doubt if any representative student conversant with pending conditions incident to our relations with Mexico would in any degree accept your conclusions. Your manifest argumentative climax possesses every possible logical promise for an entirely opposite conclusion.

President Wilson's failure to accept the *de facto* government under the dictatorship of red-handed Huerta in the face of partial recognition by European powers, demonstrates an unusual quality of genuine statesmanship. Contrary to your conclusion, Wilson's unflinching humanitarian position has gained universal confirmation by gradual acquiescence on the part of every European government. If you know these powers like I do you know that they are not in the habit, united, of turning international tricks of this gravity, merely for the sake of policy. It only confirms the fact that Woodrow Wilson is becoming more and more recognized as the finest statesman who ever sat in our Presidential chair. In short, President Wilson is the only man who ever guided the affairs of our nation with a thorough understanding of the science of government.

I wish you could take a casual jaunt over our country and get your eyes opened to the spreading spell which President Wilson is casting across the paths of all representative citizens.

Frankly, I doubt seriously if you have a clear outline of conditions in Mexico. Any leading light who will advocate the recognition of the Huerta régime or contend for intervention must lack something of true patriotism.

I trust that the utterances of Governor Colquitt have not contaminated your dignified escutcheon. Mr. Colquitt represents only a bedraggled remnant of disgruntals. He has ceased to speak for any of the representative classes in Texas.

Those who really think in the United States to-day in the terms of true statesmanship are fast lining up with President Wilson in his determined policy for Mexico.

ERNEST C. MOBLEY.

[Foreign governments have "acquiesced" simply because they have their own hands full and are only too glad to let us shoulder the entire responsibility. If a single foreign commentator of note has pronounced President Wilson's plan wise or practicable, the fact has escaped our attention.—EDITOR.]

LIFE AT VERA CRUZ

VERA CRUZ, MEXICO.

IN writing to you from Vera Cruz I want to give you an idea of the real life, or, rather, the existence here. For I am quite sure it is entirely different from what any one would imagine.

With our battle-ships in the harbor, as well as English, German, French, and Spanish cruisers, you would naturally imagine one round of gaieties—pretty women, dancing officers, luncheons, dinners, and tea parties on board, with the inevitable turkey-trotting. This is as the tropics should be. Perhaps it is only "East of Suez" that you see them in their real glory and feel their grip. Vera Cruz certainly is the opposite of everything it should be—there is no lure—and it has the least tropical air of any place in the tropics.

In the summer you would know you were in the tropics, but the month of December has been delightfully cool, with many northerners which are not cold, but windy and dusty. It is not the climate, however, which seems untropical; it is the atmosphere. The officers from the men-of-war come on shore and look in vain for a temptation—not that they would yield to temptation, no, indeed!—but they would enjoy that virtuous feeling which comes from having resisted a real Carmencita. There isn't a beautiful or even pretty señorita to be seen on the streets or to catch a glimpse of behind bars. The officers really have fewer temptations than is their due, and I sympathize with them heartily. The poor souls wander around or, rather, sit and drink cooling drinks under the portales around the Plaza, which is all the social life there is. A few play tennis and a number swim every afternoon. Then twice a week there is music in the Plaza by the fairly good military band, and on these nights it is quite gay in spite of revolutions and bloodshed. I say gay—as gay as bright lights and the strains of Spanish music can make it, but there seems no real gaiety. Vera Cruz, however, has suffered none of the horrors of the cities of the interior. It has not been attacked as yet by bandits—pardon, I mean Constitutionalistas—and the battle-ships with attendant expenditures are making it more prosperous than ever.

It seems last February, when our first ship arrived, this city was in consternation over the devastation our sailor-men would cause, and sent a request that they should not be allowed to land. This was granted, and since then they are forced to remain on shipboard. Occasionally you see a regular sailor on shore—one who has come on some errand, but the English, German, French, and Spanish are on shore leave constantly. Some of our men haven't been on terra-firma for three months. You also see the English marine with his white helmet and inevitable little cane, and petty officers from our own ships looking very smart in their white tropical outfit. None of the officers come ashore in uniform except on official duty. This is a shame, as it would decidedly add to the scenic liveliness if they did.

Sitting in the portales and drinking cooling or stimulating drinks as your need may be, is, as I have said, the chief diversion in Vera Cruz. The little Plaza is green and shaded; two sides are occupied by the Cathedral and Police Headquarters, respectively, buildings of charming old Spanish architecture, and the other by two big hotels that set their tables on the wide covered sidewalks.

Here are men of every class and condition, if not side by side, at least

within a few feet of one another. This is where one hears the rumors. Last week, according to report, Huerta had fled twice. During the fighting in Tampico rumors ran riot. I have lived so many years in these parts that I hardly believe my eyes, and certainly never believe rumors until they are accepted news—history, if you please.

The other day I heard an amusing conversation between some Americans and Englishmen. The English were boasting that the day before three English seamen had been arrested and that it took six policemen to take them to jail! The Americans, with the patriotism that has caused so much criticism in Europe, told, in answer, of two sailors of ours who had come ashore on some duty and imbibed too freely of spirituous liquor. In consequence they were arrested by four policemen. They argued and talked loud English to no avail. The policemen insisted on their going to the carcel. On the way, after all argument had failed, one said to the other, "Pick your men, Jerry; these two are mine."

"I'm on," said Jerry, and two sailor-men sauntered leisurely to the boat, leaving four policemen lying in the road.

As we were sitting here the sound of drums and pattering of feet were heard. I say pattering, for it was that and nothing more; the tragic, daily parade of "voluntarios," little barefooted conscripts, caught in the *leva*, came around the corner. "Volunteers" here are marched between two rows of soldiers, so they cannot escape, and are often little boys of fourteen or fifteen years of age. They are the people who have been arrested the day before for one cause or for nothing and drafted into the army. Every man arrested, no matter what his age, is made a soldier, and even women are impressed to go as *soldaderos* (cooks and camp-followers). In Vera Cruz there is one company of real uniformed volunteers. The oldest member, I should say, might be fourteen. Most of them look about ten. They drill and parade and always bring tears to my eyes. The other day I heard a Mexican officer say, as they passed: "Ah-ha! Let *this* strike terror to the Gringo heart!" Though there are seventy-odd of them, I think I could spank them into obedience myself. The pathetic part is that when the need arises these very little boys will be sent into the field to fight for one side or the other at any moment—and until they are sent they won't know which side it will be.

Again we are hearing many rumors about Tampico. It seems, from really reliable information, the Constitutionistas really didn't want to take Tampico two weeks ago. They only wanted what they went for—four engines, a number of day coaches, several car-loads of dynamite, and several car-loads of provisions, including a car-load of American shoes. We hear now that they are really going to take Tampico "shortly." This word is sufficiently indefinite to suit the situation. It is almost as good as *mañana* and sounds more business-like. Now that part of the Constitutionista army can arrive in day coaches and with the moral support of American shoes, we feel sure Tampico will fall!

It seems that Admiral Fletcher insisted on a neutral zone being kept, and was told by the Mexican general that it was impossible. The Mexicans are very proud of this: they say, inflating their chests, "Our general defied the Admiral." In spite of this defiance Admiral Fletcher gained his point by tying his boat to the wharf right in front of the Mexican gunboat, thereby securing his neutral zone.

After two days of continual firing it was thought safer for Americans

to go to their ships for protection, and between three and four hundred were sent to the men-of-war. Some very amusing tales are told in connection with this forced hospitality of Uncle Sam's. It is said that one rather pretentious woman, on arriving on deck, scarcely casting a glance at the officer who greeted her, said, "Take my suit-case down-stairs, boy, and see if you can arrange for me to have a room alone." It was the chief executive whom she thus addressed! There are also many stories, that bring tears to the eyes, of the kindness of big sailor-men to wee babies and small children. It was so rough that all were seasick, and the children were left to the care of the sailors.

Last night we dined on the *Nebraska* and saw their moving-picture show. Though the men have no shore liberty, everything is done for them that can be. Every night, the wind permitting, they have moving pictures with excellent films. Last night, for instance, was shown a bull-fight of the week before in Mexico City with the two idols of the Mexican populace fighting, Gaona and Belmonte. Also a very good film of the Felix Diaz uprising in Vera Cruz, and scenes in Mexico City during the "*Decima Tragica*" ("Ten Days' Tragedy"). They also have boat-races, sailing, and rowing, and sometimes come ashore just to the beach for swimming parties. They also, I am told, visit with the German sailors and are more friendly with them than any of the others—our men like to go to the German boats because they get beer, and the Germans enjoy our men's boxing-bouts and minstrel-shows, which they are allowed to have. It is interesting to see the way our enlisted men are treated, and I suppose it is in consequence of this treatment that the navy attracts such a superior class of men.

This morning it was really chilly, and I felt so energetic I climbed to the cathedral tower just opposite the hotel. To the north lay the beautiful seacoast with a heavy surf breaking on the shoals. Directly east lay the ships of all nations like great gray doves of peace. Whether they are likened to birds of prey or peace, they preserve a wonderful tranquillity in Vera Cruz in comparison with the rest of pillaged and bleeding Mexico. As my eye traveled back from the ships outside the harbor it naturally fell on that picturesque and tragic prison of San Juan de Ulloa. This is, without doubt, one of the most infamous prisons now in existence. Built on a small island, it is necessarily small, and though no one knows accurately how many prisoners there are, it is estimated at between two and three thousand. Many of the cells are below the water-line, and the light of day never penetrates them. Conditions are unbelievable. There are men there who have lost their identity and reason on account of years of solitary confinement. There are other cells built for ten men into which fifty have been crowded. I have often thought that a serious plague could originate in this den of filth, and I have always imagined that part of the triste atmosphere of Vera Cruz comes from the anguish arising from this prison and wafted like a cloud over the city, where it hangs ever like a pall.

On coming down from the tower I found my husband sitting with some officers who had just arrived from Tampico. As the clocks all struck the hour, the one automobile lumbered by, and the little bootblacks and newsboys, pests of the portales, buzzed around. One of the officers, heaving a sigh of satisfaction, said, "Well, Vera Cruz seems like New York after Tampico!" So, everything is by comparison, after all.

ADAH LEWIS.

SENATOR OWEN OBJECTS

WASHINGTON, D. C.

SIR,—I read with great interest the contribution to your December issue by Dr. David Jayne Hill, entitled "The Crisis in Constitutionalism." I read it in full in the Senate yesterday (December 22, 1913), in order that it might appear in the *Congressional Record* and thereby attain an enlarged circulation. I inclose it as printed in the *Record*. You will notice that at the conclusion of my reading of the article I asked that it might be printed as a public document, to which objection was made by Senator Owen of Oklahoma. I am having about 10,000 reprints of this article made from the *Record* to send to some of my constituents in Connecticut.

FRANK B. BRANDEGEE.

SPEAKING GENERALLY

PHILADELPHIA, PA., December 10, 1913.

SIR,—Please do not accept my inclosed subscription to THE NORTH AMERICAN REVIEW as an approval of your editorial criticism of President Wilson and his administration. From my point of view, your criticisms are not well taken. The President is only a part of our governmental machinery, and he has no legislative power except of a negative kind, namely, the option of vetoing any bill passed by the Congress. The right to veto must be regarded as a latent rather than an active force. It is becoming less frequently exercised, with a tendency toward obsolescence, in all governments where it appertains to the executive. Therefore, it would seem that the Executive in a Constitutional Government who abstains from the use of the veto pursues the wiser course, for the very essence of Constitutional Government is the harmonious co-operation of the co-ordinate powers. From this standpoint President Wilson in signing the bill exempting laborers and farmers from prosecution under certain conditions was quite within his rights. Furthermore, the bill had been twice passed almost unanimously by the Congress, and unless self-government is a failure the President who under those circumstances would have vetoed the bill could only be considered as mulishly stubborn.

President Wilson's policy meets my hearty approval because it is based on ethical principles and not on the expediency of greed. Those persons who invested in Mexico did so on the theory that they were obtaining valuable concessions at a small cost that opened up a *chance* for huge profits. They took the *chance*. In other words, the transaction was a gamble and not legitimate business. It is no more the office of the United States Government to protect gamblers in Mexican concessions than gamblers in the ordinary pool-room. The internal disorders and anarchy in Mexico do not concern us only as our international relations are affected thereby.

As to segregation, that is not a wrong to the negro, while congregation is a wrong to the white man and woman who are affected by a sense of humiliation—all the more real because wantonly imposed by their government. Has not segregation in the army been a help to the negro? How otherwise should we have ever known of the courage and the bravery of the black regiments? In like manner may not civil segregation afford our negro citizens more and better opportunities to develop their co-operation for that kind of work?

Lastly, according to your writings, President Wilson has repudiated the

principles of civil service. No President, I contend, has respected so much as Mr. Wilson the civil-service law in letter and spirit. Mr. Roosevelt and Mr. Taft both outraged civil-service principles when they put fourth-class postmasters without examination in the civil service. And yet the officers of the United States Civil Service League hastened to commend the outrage! According to my understanding the purpose of civil service is to make the tenure of office secure to an appointee whose fitness has been ascertained previously by a written examination. But the advocates of civil service go too far in applying this theory to *all* offices. All governmental offices are clearly divisible into two classes: *offices of papers* and *offices of persons*. In the first class the work is purely clerical; in the second class the work is executive and administrative. Appointees for the first class of offices can best be selected by written examination. Appointees for the second class can best be selected by the personal investigation of departmental heads. President Wilson has simply recognized a condition that exists, and therefore your criticism is without a foundation to rest upon.

THOMAS P. IVY.

[If Mr. Ivy will examine President Wilson's essays upon government or note his initiatory acts in connection with legislation, he will discover that his own conception of the functions of a Chief Magistrate bears little resemblance to that of the President.—EDITOR.]

SEGREGATION AND SOCIOLOGY

JACKSON, MISS.

SIR,—In the December number of *THE NORTH AMERICAN REVIEW* Mr. Oswald Garrison Villard very ably argues against the segregation of the white and black races in the Federal offices at Washington.

I concur in what Mr. Villard says in condemnation of lynching (except his error that "innocent" negroes are murdered), though I cannot see what that has to do with separating white and negro clerks.

And I agree with another inconsequential opinion of Mr. Villard's, that our diplomatic representatives in San Domingo and Hayti, as well as in Liberia, ought to be negroes. But I differ from Mr. Villard radically in his main contention. All through his well-written article there is an assumption that the ground for segregation is merely a matter of "color." He writes exactly as if the segregation in the Washington offices was a rule that brunettes should not work in the same room with blondes.

Surely as a scholar Mr. Villard must know that segregation is primarily a question of ethnology. He says segregation "spells caste"; certainly it does. Caste is a detestable thing when it draws an impassable line between people whose amalgamation is not a sin against nature; but it is a beneficent thing when it erects a barrier against the admixture of the highest and lowest races.

The ultimate logic of the social equality of the Caucasian and African races is miscegenation, which would be a sin against eugenics and civilization.

Would mulattoes be capable of preserving our present civilization and advancing it along the lines of its manifest progress?

The repugnance of the white race to any approach to social equality is a divinely implanted intuition (or, if you prefer, an evolutionary instinct)

against the retrogression of the leading race, which is the custodian of modern civilization and the protagonist of ideal morality. Forcing white women to work in company with negro men is therefore not only a sociological outrage, but a stupid violation of a decree of anthropology.

The folly of doing violence to the race instinct that resists the first step toward the admixture of the races was demonstrated shortly after the Civil War, when Congress sought to force hotels, theaters, and railroads to allow the intrusion of negroes into the company of white people. The logic of such imbecile legislation was the "Jim Crow car."

Mr. Villard speaks of those who urge segregation as "negro-haters." The charge is untrue and unjust. The negro has no better friend in the world than the Southern gentleman, who will not tolerate any attempt at the social equality of the races.

I do not feel called upon to defend Mr. Wilson's administration; he is abundantly able to take care of himself, and if he is too dignified to defend himself he has far abler champions than I; but I must say that I think Mr. Villard's remark that "The Wilson administration has put itself on the side of every torturer, of every oppressor, of every perpetrator of racial injustice in the South or the North," is a remark unworthy of a man of Mr. Villard's standing, and for which he owes Mr. Wilson a public apology.

My opinion of a high public official is of little importance, but I am constrained to say that I regard Woodrow Wilson as the greatest President this country has yet had, not excepting Washington, Lincoln, and Cleveland.

(REV.) WALLACE CARNAHAN.

APPRECIATION

RICHMOND, VA.

SIR,—In requesting a renewal of my subscription to *THE NORTH AMERICAN REVIEW* it was in my mind to say a few words in appreciation of this splendid periodical. I have been taking it for several years and find that it has not deteriorated in any respect, but has rather improved until at present, with Colonel Harvey's editorials, it stands out pre-eminently above anything else of the kind published, and represents the highest and most interesting phase of literature—a reverence for and enunciation of the sound doctrines and traditions of the past, and a promulgation and discussion of the new in politics, ethics, and literature. It is bound to exert a great influence on the reading public, and I predict for it a greater success than ever. The readers of *THE NORTH AMERICAN REVIEW* are to be congratulated upon the fact that Colonel Harvey will in the future contribute to this paper. To those who have had the unforgettable pleasure of reading his editorials in *Harper's Weekly*, he needs no introduction, for thousands have felt the touch of his fine spirit and have been broadened and instructed by his luminous mind.

In conclusion I may add that its merits justify the publishers in anticipating a wider sphere of usefulness, and rightfully expecting a greater circulation as education and knowledge are being spread in this age with wonderful rapidity.

I wish the magazine, on this the eve of a new year, a more splendid success, and many, many years of prosperity, and hope the editor and the reader will both be spared many years to enjoy each other's company.

ASHBY WATKINS.

CHRISTIAN SCIENCE AND CHRISTIANITY

BRONXVILLE, NEW YORK.

SIR,—In the December number of the REVIEW is an article, "Must Protestantism Adopt Christian Science?" by "A Churchman," and may I respectfully ask the writer, or any other Christian Scientist, first, What is Christian Science? Further: What are its aims and objects? In what does it differ from Christ's teachings—commonly, generally, popularly known as Christianity? Is it an improvement of or on Christianity? If so, in what respect or respects? If Christianity and Christian Science are the same, why was the original name Christianity changed to Christian Science?

If Christianity is not all-sufficient and all-comprehensive for the guidance and salvation of humanity, in what respect is it deficient?

From my reading of Mrs. Eddy's book, *Science and Health*, I deduce that Christian Science, *per se*, is neither Christian nor scientific.

Science and Health doesn't confine itself to Christian Science. If it did it would be of no use to humanity. The parts of the book that are applicable, here and now, belong to *Mental Science*, and are not original with Mrs. Eddy at all. *Mental Science*, in its last analysis, is nothing more or less than *applied* Christianity.

Mrs. Eddy gave the world nothing new when she wrote *Mental Science* into her book, nor did she give humanity anything useful when she wrote the part of it that is not *Mental Science*.

A tramp once made use of a wonderful "soupstone" which, when boiled with the right quantities of water, vegetables, meat, salt, etc., produced a very good soup. Similarly, Christian Science possesses virtues—when used in combination with the right quantities of *Mental Science*.

Some there were who couldn't understand the real value of the soupstone; and some there are who do not understand the real value of Christian Science.

On page 7, of *Science and Health*, we find this assertion: "God, Spirit, being all, nothing is matter."

The real worth of any school, science, law, religion, or ism lies in its capability of application. And so, if all were God, Spirit, where and how could Christian Science, or any other Science, be *applied*?

The Rev. Lyman Abbott says that "the best proof of belief is conduct," and that "we all act as if there were both mind and matter."

Mrs. Eddy was not an exception to this rule. It applies to every Christian Scientist. *It applies to the whole of humanity*. Even Christ, while incarnate, didn't attempt to live the wholly spiritual life. He ate material food, wore material clothes, wept material tears, and suffered through the material body, on the cross.

On page 104, of *Science and Health*, we find: "You embrace your body in your thought, and you should delineate upon it thoughts of health." Here, you see, is where we catch the Christian Scientist over in the *Mental Science* field, dealing with the body—matter—after asserting that "God, Spirit, being all, nothing is matter." And there is where you find him every time he gives a "treatment." In theory he may be a Christian Scientist, but when he comes to practise he is necessarily a *Mental Scientist*, owing to the very pertinent fact that "God, Spirit" stands in no need of human "treatment."

On page 80, Mrs. Eddy said, speaking of evil, "It is nothing because it is the absence of something."

Did you ever stop to think about what *nothing* means—what it implies? Bergson says, "There is more, and not less, in the idea of an object conceived of as *not* existing than in the idea of this same object conceived of as *existing*, for the idea of the object not existing is necessarily the idea of the object *existing* with, in addition, the representation of an exclusion of the object."

Both Christians and Scientists are agreed to-day that even "thoughts are things."

And yet—"evil is nothing"!

On page 173, *Science and Health*, we find: "Matter is an error of statement." On the same page, this: "The opposite of Spirit is matter." And on the next page (174), this: "Spirit is God and God is all, hence He can have no opposite." Verily, here is logical consistency! And yet, we have only to follow Mrs. Eddy to page 249, where, with her "key," she clears up the whole tangle by informing us that (Christian) "Science is co-ordinate neither with the premises nor conclusions of human belief."

We find, then, that Mrs. Eddy must have been superhuman. That her "Science" is neither comprehensible nor applicable to humanity at its present stage of development. That it *may* apply, *some time*, here on earth, should man ever become, here, more than man; or that it may apply to some future state of Life which he may attain in some other world. But, that Christian Scientists have not made, and do not and *cannot*, now, make use of Christian Science. That they have so far used, do now use, and can now *only use* Mental Science.

And so the question remains, What is Christian Science?

In answer to the question, "Must Protestantism Adopt Christian Science?" I say, even though it would, it *cannot*. If Protestantism would fulfil its mission, it must, however, adopt *Christianity*.

A STUDENT.

A FORUM FOR ALL

BALTIMORE, MD.

SIR,—From time to time articles appear in THE NORTH AMERICAN REVIEW that surely cannot appeal to the sense of propriety of its editor. Its pages sometimes seem to be open to the faddist, the visionary, the up-lifter, and, I am almost tempted to say, the charlatan. The contributions in the December monthly on the "Washington Segregation" and on "Christian Science" are examples of loose thinking, erroneous statements, and wrong and dangerous conclusions.

Presuming that there must be some good reason for this policy, I write to ask if you will not briefly enlighten me, with the assurance that your reply will be for my information only, and will not be used in any other way.

Also permit me to add that there are thousands of readers of the REVIEW who are very apt to believe everything you print, and many of your readers feel like protesting against this policy as being harmful to the whole country.

C. S. A.

[The policy of this REVIEW is indicated by its motto: "*Tros Tyriusque mihi nullo discrimine agetur.*"—EDITOR.]

"TROS TYRIUSQUE"

SANTA BARBARA, CAL.

SIR,—You deserve a vote of thanks for granting space in your magazine for the brilliant article by a Churchman on Protestantism and Christian Science. It is of great mutual benefit all around. "Truth is mighty and will prevail." Nothing could have come to us at this time that would be of more value than this article, and a large portion of the blessing therefrom will fall upon your head whether you are a Christian Scientist or not. We are no disrespector of persons because of difference in religious views.

(MRS.) MAY W. MANCHESTER.

BLOWING ROCK

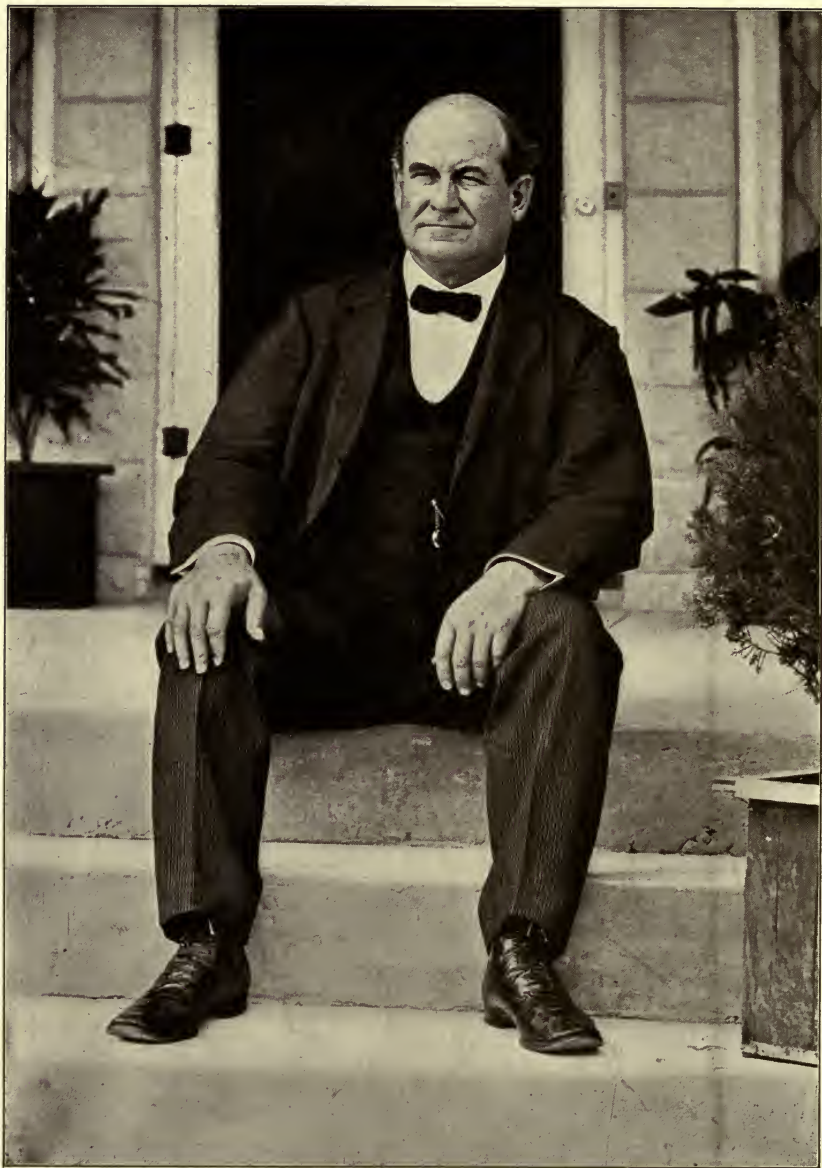
FREEPORT, ILL.

SIR,—With reference to your statement on page 758 of the December NORTH AMERICAN under the head "Just Josephus," it is with no little disappointment that I observe that such a puissant possessor of pre-science as Colonel Harvey fails to qualify as an "obelisk of omniscience" when he says that there is no such rock as Blowing. Although Blowing Rock can lay no claim to fame as the birthplace of the present Secretary of the Navy, it is none the less on the map, its situs being in the Blue Ridge Mountains, not of Virginia, but of the Tar Heel State, and has in past years vied with Morehead City, down in the Contentnea country, as the summer capital of North Carolina.

N. T. COBB.

[We acknowledge the error and make humble apologies to the New York *Sun* for questioning its geographical accuracy.—EDITOR.]

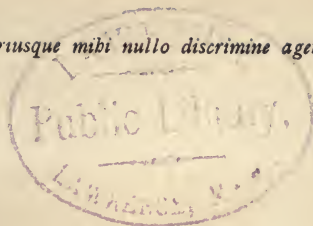




Copyright by the International News Service

WATCHFUL WAITING

FROM A PHOTOGRAPH TAKEN AT MIAMI, FLORIDA, IN FEBRUARY, 1913



NORTH AMERICAN REVIEW

MARCH, 1914

MR. BRYAN RIDES BEHIND

BY THE EDITOR

"When two men ride an ass, one must ride behind."

It is a very full year now since Mr. Bryan took his place in the second saddle upon the flanks of the Ass of Democracy, and the continuing stability of his sturdy form is equaled only by the fixity of purpose which illumines his expressive countenance. How well we recall the dire predictions when another of slighter build leaped nimbly upon the withers of that lean and hungry beast of burden, and the greatest of commoners accepted an assignment to ride behind! "The ass," 'twas commonly said in the words of Miguel de Cervantes, "will carry his load, but not a double load." And now behold! Is not that a sleek and well-fed animal? And upon his strengthened back are not two bounding spirits, close knitted as were the souls of Jonathan and David, two hearts that beat as one? Was ever a prettier sight in the eyes of the host that wandered, oh! so long, in the bleak and barren wilderness?

But of rhapsody enough! What are the facts?

The election had taken place and Predestination, aided and abetted by the efficacious citizen who is now attending snake fights in South America, had triumphed. Immediately there developed vigorous opposition to the designa-

tion of Mr. Bryan as Secretary of State. Conservative public journals implored the President-elect to hesitate before hazarding the confidence of the country by putting into first place one whose theories were so generally regarded as unsound and had thrice been repudiated at the polls. Well-wishers directed attention to the temperamental unfitness of Mr. Bryan for a position requiring trained intelligence, painstaking application, and the nicest sense of propriety in dealing with representatives of foreign Powers. Politicians urged that the pervasive Commoner would overshadow the Administration. Mr. Bryan, saying no word, withdrew to Florida and inaugurated a period of watchful waiting. While thus engaged he thoughtfully posed for the interesting portrait which we present herewith. At the crucial moment in his deliberations the President-elect received a copy of the photograph. He studied it intently from all points of view; he scrutinized it closely; he held it at arm's-length; he presented it to the light; he scanned it sidewise and upside down; he turned its face to the wall and tried to whistle. All in vain. There was no escape from an inexorable fact. No back was strong enough to bear such a burden. Mr. Bryan should be taken to his bosom. ‘.

The terms and conditions were negotiated successfully by Colonel Edward M. House. They were not rigorous. Inasmuch as the people would hold the President responsible for the acts of his subordinates, he must reserve to himself the making of all appointments. Realizing the difficulty of satisfying the yearnings of his many faithful friends and of discriminating between them without loss of personal devotedness, Mr. Bryan cheerfully acquiesced. The President was, in the language of *The State*, “in a very real sense head of the Executive”; he must, therefore, have the making and shaping of foreign policies; in other words, as subsequently stated with peculiar explicitness by Ambassador Walter H. Page, “whenever important foreign questions come up, the President must himself hold the portfolio.” Mr. Bryan conceded the right. In return, he stipulated that, being thus freed from so many onerous tasks, he should have the privilege of continuing his lucrative lectures in order to make suitable provision for his reclining years. He should, moreover, be relieved of the traditional requirement to serve wine to either foreigners or domestics. The President-elect graciously assented; the bargain was

struck; and, in consideration of his valuable services, Mr. House was constituted Assistant President, with full power to sit in theater boxes with the head of the Nation, regardless of the sentiments of Chairman William F. McCombs.

How scrupulously the terms thus arranged have been observed by the subscribers is known to all, and at the end of a full twelvemonth the compact remains unbroken, to the complete satisfaction of the leagued triumvirate and to the inestimable benefit of our native land. Mr. Bryan was the first to proclaim his constantly growing appreciation of his colleague—if we may use the President's own considerate term—and his personal happiness at being permitted to whip up the donkey while the President held the reins. As early as April 17th he informed the public that he had "never known a man with a more open mind" than Mr. Wilson, and added, "the more I see of him and the more intimate become my relations with him the larger he grows." In using these words, Mr. Bryan did not mean to imply that the increase in the President's mental stature was attributable to contact with himself; he merely noted the impression upon his own mind of greatness previously developed which he had not fully realized theretofore.

Pursuant to a resolve formed in early boyhood never to permit himself to be outdone in display of magnanimity, the President now, in a letter to a Baltimore friend not marked "Personal," returns the compliment in characteristically felicitous phrase. Inasmuch as it was the appearance of this generous tribute that induced these humble reflections, we quote with undisguised satisfaction:

Your reference to the Secretary of State shows how comprehensively you have looked on during the last few months. Not only have Mr. Bryan's character, his justice, his sincerity, his transparent integrity, his Christian principle, made a deep impression upon all with whom he has dealt; but his tact in dealing with men of many sorts, his capacity for business, his mastery of the principles of each matter he has been called upon to deal with, have cleared away many a difficulty and have given to the policy of the State Department a definiteness and dignity that are very admirable.

I need not say what pleasure and profit I, myself, have taken from close association with Mr. Bryan or how thoroughly he has seemed to all of us who are associated with him here to deserve not only our confidence, but our affectionate admiration.

One noteworthy feature of this eulogium to which we would direct attention is its timeliness. Happening to look over his shoulder, the President detected a glimpse of sad-

ness upon the countenance of his traveling companion. Whereupon, pondering thoughtfully, he realized that of late Mr. Bryan had become unwontedly restive under criticism which he felt to be undeserved. Moreover, a conspiracy had developed to discredit him in the eyes of the very real Executive himself and to make inroads upon the intimacy which had grown up between them. While no complaining word had come from Mr. Bryan's own lips, "his friends," according to the newspapers, were "talking freely." Their discovery of the plot referred to was heralded in the public journals of January 12th.

It seems that the conspirators are very rich persons who transact business in Wall Street, New York City, and sleep in palaces abutting on Central Park. No names are mentioned, but the identity of several is strongly suspected and may be revealed at any moment. Money is no object. Contributions reported to aggregate several millions of dollars have already been made, and a limitless additional amount is held carelessly in reserve. "The operations of the cabal, it is alleged, have been of an insidious nature, unseen and unsuspected by the general public, but none the less effective." Newspapers have been "reached in a corrupting manner" and have co-operated "in a thousand unseen ways" in "sowing the seed of anti-Bryanism." Hence the volume of criticism of the Secretary of State for lecturing, for refusing to furnish fermented juices to guests, and especially for conferring foreign appointments upon faithful and deserving friends. "The object of the conspiracy is asserted to be the discrediting of Mr. Bryan in the estimation of the President and the country so as to make it impossible for him to retain his place in the Cabinet."

So ran the story, with much particularity, to the length of a full column. Why "some of the most intimate and ardent friends of the Secretary" considered its publication advantageous to Mr. Bryan can only be surmised, but if by chance the real purpose was to extort a testimonial from the White House, it was achieved promptly and fully.

President Wilson leaves no room for doubt of his very high opinion of Mr. Bryan's quality. We cannot recall a more comprehensive summing up of civic virtues. Many men even of the present day and generation possess character, sincerity, and a sense of justice, but those whose integrity is transparent are few and far between. That so much

can be said and well said of Mr. Bryan is a noteworthy fact. With his tact all acquaintances, however casual, have long been familiar. His "capacity for business," too, is fully established, no less than his mastery of the variegated principles which he has succeeded in inducing others to accept. The "admirable definiteness and dignity" with which he has imbued the State Department, we must confess, is somewhat less translucent than his rectitude, but his deserving of "confidence and affectionate admiration" is past dispute. Despite the indelible impression stamped upon our imagination by the President's unqualified tribute to Brother Pindell's "ability, discretion, and suitability," we cannot but feel that Mr. Bryan looms upon his discriminative mental horizon as the larger of the two.

What interests us particularly is Mr. Wilson's generous recognition of Mr. Bryan's efficiency as the directive head of the State Department. Somehow we have never been able to circumscribe Mr. Bryan as a mere Secretary of State. We long since came to regard him as a Public Institution such as the English possess in Westminster Abbey and the French in the Arc de Triomphe. Official information, therefore, to the effect that he can sit without restiveness for hours at a time before a desk and not only detect red tags, but untie red tape and "clear away many a difficulty," assumes the magnitude of a surprising revelation.

We would not be understood as questioning the potency of Mr. Bryan as Secretary of State. We are well aware that he has afforded valuable assistance in proposing Ministers to South American republics; that he popularized the Administration immediately upon his accession by serving notice upon Great Britain in a St. Patrick's speech that home rule must be granted to Ireland; that he counseled the recognition of Mr. Yuan Shih-k'ai as "a just government resting upon the consent of the governed"; that he despatched election inspectors to Santo Domingo; that he selected Mr. John Lind, of whom the President had never heard, for the high post of Unofficial Agent to Mexico; that he induced the *Commoner* to loan Associate Editor Metcalfe to Panama; that he rendered really beneficial service in California; and, finally, that he has striven incessantly by word and deed to inculcate cultivation of peace among nations throughout the world.

It is altogether probable that Mr. Bryan's efforts to estab-

lish practical methods of removing the causes of war will result in slight tangible accomplishment during his tenure of office. His "Peace Treaty No. 1" with little Salvador, for example, containing the remarkable provision that "pending the investigation and report of the International Commission, the high contracting parties agree not to increase their military or naval programs, unless danger from a third Power should compel such increase, in which case the party feeling itself menaced shall confidentially communicate the fact in writing to the other contracting party, whereupon the latter shall also be released from its obligation to maintain its military and naval *status quo*," was so utterly absurd upon its face that it evoked only derision. But Mr. Bryan, unruffled as ever, persisted with characteristic patience in his endeavor to construct practicable and enforceable agreements, eliminating impossible clauses such as that quoted, modifying, adding, subtracting, and perfecting, until at last, in his treaty with Denmark, he has formulated at least a basis for avoidance of the seven-eighths of wars which history has proven to be unnecessary.

It is true that only smaller countries have as yet subscribed to these compacts and that our own Senate has still to pass upon them. But it is equally certain that this method of procedure, in feeling out the way, was the wisest, if not indeed the only one that could have made progress at all. Moreover, practically all of the great Powers have accepted the basic principle of adjustment formulated by Mr. Bryan and evince full willingness to follow his lead in striving for more definite understanding. Whether the innumerable difficulties arising from international differences of opinion, national jealousies, considerations of "honor," and the like can be overcome in any large sense during a few short years is yet to be determined, but there can be no question that Mr. Bryan has paved the way for the solution of the gravest problem of the age. This in itself is a great achievement, a very great achievement, constituting a fair claim to honor and renown worthy of a Washington or a Jefferson. We are surprised that the President should have overlooked it.

Although, as Mr. Bryan remarked parenthetically in an interesting discourse to the Baltimore convention, convivial Virginia achieved distinction by becoming the birthplace of his grandfather, his own father had the larger portion of his being in Salem, Illinois, and his name was Silas. He was a

consistent patron of the little brown jug commemorated in the song of those days, but only in the haying season when the jug was filled with oatmeal and water and carefully ensconced for cooling purposes in the fragrant, damp grass. Wine was never served upon Mr. Silas Bryan's table, first because the host disapproved of the use of intoxicating beverages as a matter of principle, and, secondly, because there was no wine in Salem. Thus it happened that Mr. William Jennings Bryan became a teetotaler early in life, but he did not join the Blue Ribbon Society until he heard a certain little girl recite the well-known poem entitled "The lips that touch liquor shall never touch mine." Little did those present suspect that this simple recitation foreshadowed the overturning of an ages-old and world-wide custom among the nations of the earth. And yet so it was: From that day to this Mr. Bryan has never even availed himself of the privilege, implied by the Scriptural injunction, of discriminating in favor of wine that is white.

"I shall feel," he said recently in an address to the Boy Scouts, "that I have not lived entirely in vain if by abstaining from intoxicating liquors and beverages I have given any strength to any one and helped him to resist temptation. If I have been the means of helping just one boy I do not know how much service I have rendered to the world through him, for we can never tell what a boy can do. The possibilities of a boy are beyond the power of language to describe—especially an American boy. Nowhere else has the individual a greater opportunity to come into touch with and to influence his fellow-men, and in no former age was this possibility of service greater than it is now."

Of the sincerity of this utterance there can be no question. It was but natural and proper, therefore, that Mr. Bryan should ask the President-elect whether, as Secretary of State, he would be expected to set aside his lifelong practice, and it was equally thoughtful and tactful of Mr. Wilson, who does not have to attend the diplomatic dinners, anyway, to leave the decision to Mr. Bryan's own discreet sense of the fitness of things. Hence the abrupt departure from custom which threatened at one time to rock the foundations of international comity.

For ourselves, we have always considered Mr. Bryan's course in this matter wholly commendable. That he personally should be called upon to discard a fixed principle,

nobody, of course, would maintain. Nor, to our mind, having in view the importance which Mr. Bryan rightfully attaches to his example, could he conscientiously supply wine to others. There is point, of course, in the reflection of a friendly and competent observer that "if he had been a more sophisticated man he would have realized that the Ambassadors were fully competent to use discrimination about beverages, and that it was no part of his duty to restrict their choice while they were his guests," but this slight infraction upon courtesy is clearly outweighed by the more vital consideration.

Whether the ultimate compromise upon the very slightly alcoholic juice of the grape can be regarded as wholly worthy is a matter of opinion. Personally we should have preferred cider as a more healthful, more delectable, and more truly National beverage; but, be that as it may, we do not understand that Mr. Bryan requires his guests to imbibe his sugar-laden concoction against their will. Nor do we assume that he would object to an Ambassador fetching and sipping his own wine, although there is no record of this having been attempted. The problem of the Ambassadors themselves seems to have been solved by the ingenious lady from Peru who devised for Mr. Bryan's personal use a pineapple potion so like in appearance the champagne supplied to the others as to be hardly distinguishable. Thus amity is preserved at no cost to anybody of principle or of due indulgence, and, so long as precaution shall be taken to avert a National calamity by avoiding the possible mixing of glasses, we may safely regard this incident as diplomatically and hermetically closed, and continue to contemplate with surety and gratification the aloofness of Mr. Bryan from the classification fixed by the late Eugene Field, who defined a "chump" as "a large, solemn ass who opens wine."

If Mr. Bryan were asked to designate his favorite hymn, we suspect that he would reply, "Lead, Kindly Light"; and, after that, "I dwell awhile in tents below, and gladly wander to and fro." Not even when speaking is he so joyous as when traveling. It is a happy circumstance, therefore, that attention to official duties has not impaired a pleasure which had become habitual. Of the 310 days succeeding his installation he was absent from Washington 72, and journeyed 31,800 miles. These trips may be classified as Official, Political, Personal, and Commercial, as follows:

March.

Chicago—Conference with Gov. Deneen.....	Political.
“ Irish Fellowship Club banquet.....	Personal.
Springfield—Address to Legislature.....	Political.
Lincoln—Birthday banquet	Personal.
Des Moines—Complimentary banquet.....	Personal.
Trenton—Board of Trade banquet.....	Political.

April.

Philadelphia—Association dinner	Political.
Sacramento—Conferences with Legislature	Official.

May.

Baltimore—Society dinner	Personal.
New York—Peace banquet.....	Official.
Harrisburg—Address to Legislature.....	Political.
New York—Association banquet.....	Personal.

June.

Pittsburg—Dinner to Ambassador Guthrie.....	Official.
Hampton Roads—Welcoming Brazilian Minister.....	Official.
New York—Farewell to Brazilian Minister.....	Official.

July.

Ashville—Visiting friends	Personal.
Hendersonville—Impromptu speech	Personal.
Mountain Lake Park—Chautauqua lecture.....	Commercial.
Winona—Chautauqua lecture	Commercial.
Plymouth—Chautauqua lecture	Commercial.
New Hope—Chautauqua lecture	Commercial.
Kennett Square—Chautauqua lecture	Commercial.
Belair—Chautauqua lecture	Commercial.

August.

In and about Washington.

September.

Maine—Campaign speeches (two days)	Political.
Salisbury—Chautauqua lecture	Commercial.
Media—Chautauqua lecture	Commercial.
Crisfield—Chautauqua lecture	Commercial.
Phoenixville—Chautauqua lecture	Commercial.
Phoenixville—Chautauqua lecture	Commercial.
Woodbury—Chautauqua lecture	Commercial.
Charleston—Chautauqua lecture	Commercial.
Woodstock—Chautauqua lecture	Commercial.
Staunton—Chautauqua lecture	Commercial.
Charlottesville—Chautauqua lecture	Commercial.
Culpeper—Chautauqua lecture	Commercial.
Warrenton—Chautauqua lecture	Commercial.

October.

New Jersey—Campaign speeches.....	Political.
Maryland—Campaign speeches	Political.

November.

In Washington.

December.

Miami—Holiday vacation (7 days).....	Personal.
--------------------------------------	-----------

January.

Kansas City—Speaking for Administration	Political.
Topeka—“	Political.
Lincoln—“	Political.
Chicago—“	Political.
Toledo—“	Political.

Total number of speeches, 43; Official, 4; Political, 13; Personal, 8; Commercial, 18.

Days absent, 72; on Official and Political business (including eight days in California) approximately 37; in Personal and Commercial business approximately 35.

This classification is not exact, of course. Mr. Bryan himself would experience difficulty in distinguishing between some of his speeches as “Political”—*i. e.*, on behalf of the Administration—and “Personal.” He also made several addresses, not included above, in California, in New Jersey, in Maryland, and in Maine. But the record of time utilized is substantially correct. And the net outcome is that out of 310 days Mr. Bryan has appropriated to his own use but 35, or less than one day a week. This effectually disposes of the heedless, though common, accusation that he has disregarded his obligations as a public servant.

The question of propriety remains. Here have developed two bases of criticism: one that a Secretary of State ought not to strive for personal gain under any circumstances; the other that the environment and professional association imposed upon a public performer are unbecoming and tend to detract from the dignity which a high official is expected to sustain. With respect to the former it must be confessed that Mr. Bryan’s explanations are not conterminous. Replying on September 9th to an inquiry from a Paris newspaper, he said:

For many years past I have lectured to Chautauqua associations. I fail to see why I should give them up now that I am Secretary of State. President Wilson does not disapprove.

It is true that my lectures are interspersed between various “turns,” but these are necessary to hold audiences during morning, afternoon, and evening sessions.

I speak on educational subjects only. It is for this object that I give the lectures, not for a lucrative end.

When addressing his constituents in the West, however, he made no reference to his educational purpose, but under the title “Making a Living” he set forth the reasons why he had found it necessary to augment his income, in these words:

When I announced that I found it necessary to supplement my official income and that I would turn to the lecture platform as the most natural as well as an entirely legitimate means of earning what additional income I needed, the question was at once asked, "Why is Mr. Bryan unable to live upon a salary of \$12,000 a year?"

It ought to have occurred to any one who was tempted to ask the question that the question is not whether a Cabinet officer could live on \$12,000 a year if he had nothing to consider except the expenses attendant upon living in Washington, but whether he could add the expense of official life to his other expenses and meet them all out of his salary.

Every man who has reached a position where he is likely to be appointed to a high office has assumed obligations which cannot be suspended when he enters office. My obligations to church, charity, education, and for my insurance cannot be discontinued. They amount to more than \$6,800 per year, and these, though the largest, and by no means all, will absorb more than half the salary which I receive.

He added that he would not advocate increasing the salary of a Secretary of State, despite the fact that "the position carries with it more entertainment than any other in the Cabinet," and noted with satisfaction that he had been able "to lay aside some money each year for the past seventeen years," but he had "planned to forego for the next four years any additions" to his accumulations. This he was glad to do in appreciation of the opportunity accorded him by the President to render service to his country. In a word, he would divide the expense.

The professional association enforced upon the Secretary of State as a Chautauqua speaker is indicated by the following advertisement:

TEN BIG DAYS

AFTERNOON AND NIGHT—TWENTY RICH, ROYAL SESSIONS—LITERARY, MUSICAL, ENTERTAINING, INSTRUCTIVE, DEVOTIONAL, INSPIRATIONAL, AND LIFE BUILDING—UNDER THE GREAT PAVILION—OUT IN THE OPEN—NEXT TO NATURE'S HEART.

New York City Marine Band.

Avon Sketch Club.

English Opera Quintet.

Neapolitan Troubadors.

William Jennings Bryan.

Elliot A. Boyl.

Sears, the Taffy Man.

Lorenzo Zwickley.

Ed. Amhurst Ott.

ADULTS; TWO DOLLARS. CHILDREN, ONE DOLLAR.

COME ONE! COME ALL!

The performances are invariably unexceptionable in character and fully justify the exuberant announcements.

It is readily imagined, in the instance noted, that music was furnished by the band, the opera quintet, and the troubadours; entertainment by the agile sketch club, Mr. Boyl, and the Taffy man; and instruction by Mr. Zwickey and Mr. Ott; thus leaving the devotional, inspirational, and life-building to Mr. Bryan, whose pre-eminence calls for a special introduction, such as, for example, that of Mr. Alexander Harrington, Principal of the High School of Seaford, Maryland, who spoke as follows:

Not words, but deeds—lasting deeds for the uplift of humanity—constitute the record of William Jennings Bryan. Our Secretary of State stands for all that is best and truest in the advancement of civic righteousness. And with such men as William Jennings Bryan directing the affairs of this glorious nation of ours, there will be no place where only darkness reigns, for Mr. Bryan has said, "Let there be light, and there was light."

Whereupon, we read:

Mr. Bryan appears, accompanied by a boy bearing an immense block of ice. "There are two sentiments in the audience—one enthusiasm over Mr. Bryan, the other curiosity about the ice." The speaker is clad in black alpaca, and white shirt and collar. Last year, his story was of the "strategy of privilege" in the Chicago and the Baltimore conventions. But his repertory is large, and his various addresses not mutually exclusive throughout. "As he continues, the peak of his head glows under the canvas roof, yellow with heat, just over him, and he spreads one hand on the block of ice and then passes the chilled hand slowly over his head again and again. At the end of an hour and a half, Bryan and the ice disappear, and the orchestra resumes with 'Madame Sherry.'"

Admitting, as of course we must, that the appearance of a Secretary of State in this particular rôle is without precedent, we nevertheless perceive little occasion for the severe criticism to which Mr. Bryan has been subjected, except perhaps as a matter of taste. We feel by no means certain that some of the great lawyers whom he succeeded have not, through the giving of counsel, profited privately as he profits publicly. Moreover, if our memory is not at fault, so firm sticklers for propriety as George F. Edmunds and Roscoe Conkling did not refrain from the practice of law while serving as Senators, and at this moment several distinguished members of Congress derive handsome incomes from their professional activities. Quite likely it is that the aristocratic senior Senator from Massachusetts or the austere Mr. Root might appear out of place sandwiched between the troubadours and Mr. Ott and speaking for hire,

but such propinquity fetches no embarrassment to Mr. Bryan. He is a democrat as well as a Democrat, and loves the common people as they in turn love him better, with the possible exception of Speaker Clark, than any other American now in public life.

Nevertheless, in view of all circumstances, prejudices, and the like, we are indisposed to combat Mr. Bryan's reported determination to visit the chancelleries of Europe for the purpose of promulgating his views upon universal amity. Though wholly sophisticated and inclined to be skeptical, it by no means follows that they might not succumb to his homiletical words and winning ways. Parenthetically, we may remark that the Carnegie Foundation possesses ample funds and is far more liberal in rewarding statesmen who further the cause of peace than in granting pensions to pedagogues, however worthy, who voluntarily transfer their ambitions from the educational field to the wider sphere of State, National, and International politics.

Notwithstanding the mental depression which temporarily deprived his spirit of its normal buoyancy, Mr. Bryan continues to emit rays of happiness in every public utterance. He fairly revels in the gradual adoption of his many and varied theories of government, as well indeed he may. The Democratic platform of 1896 was constructed by a committee, but the platform of 1900 was Mr. Bryan's own, and from the creed then enunciated he has never deviated. Some clauses have been added, but none has been taken away. It is, then, with justifiable complacency that Mr. Bryan now contemplates certain definite results of his indefatigable striving, which may be summarized briefly as follows:

Filipino independence. Contrary to the advice of all former Governors of the islands, control of the legislature has been vested in the natives—the first long step toward complete independence.

Free wool and free sugar. Incorporated in the Tariff Bill against the judgment of Mr. Underwood and Chairman Fitzgerald.

Inflation of the currency through issuance of government securities. Whatever benefits may accrue from the recent Act, all agree that a certain amount of inflation is inevitable and that the danger of gold disappearing from the country is not ignorable.

Popular election of Senators. Adopted.

Income taxation. Adopted.

Primary elections by the States. Substantially accomplished.

Publication of ownership of newspapers. Enforced by law.

Anti-trust legislation designed specifically to compel competition. In progress.

Department of Labor. Provided.

Exclusion of Asiatics. Pending.

Government ownership. Practically assured in Alaska and urged by the Postmaster-General upon a huge scale throughout the country.

Restriction of importation of labor by arbitrary legislation. Imminent.

Admission of New Mexico and Arizona. Granted.

Appointments to office based upon "ascertained fitness," rather than under the merit system. Illustrated, despite President Wilson's "warm advocacy and support of Civil Service Reform," in the selection of Ministers to Latin America.

Insistence upon "the consent of the governed" throughout the Western Hemisphere and application of the principle of *caveat emptor* to Americans owning properties in other countries. Witness Mexico.

Initiative and referendum. Adopted in part.

Free coinage of silver. Abandoned for the present because of changed conditions, but still held to be sound financial doctrine.

Clearly, here is no small realization on the part of one who rides behind. If Mr. Wilson be, as assuredly he is, the Joshua, Mr. Bryan is none the less undeniably the Moses, of Democracy. We would not, however, deprive him of the satisfaction which he manifests at times in likening his colleague to Saul of Tarsus, who saw a great light, "and immediately there fell from his eyes as it had been scales." Nor could we, in view of the record, deny the faithfulness of his own resemblance to Joseph, as depicted by himself in an eloquent lecture reported as follows:

After others had called him a dreamer, Mr. Bryan reminded them with inimitable skill that the Bible tells of dreamers, and that among the conspicuous was Joseph. How his brothers saw him coming from afar and said, "Behold, the dreamer cometh!" How they plotted to kill him, but sold him to the merchants who carried him into Egypt, and when time went on and a famine came and the brethren had to go down to Egypt to buy corn they found the dreamer there—*AND THE DREAMER HAD THE CORN.*

Whatever the future may hold in store for Mr. Bryan, his busy past at least is fixed in history and his seat in the second saddle seems to be secure; so now, if the yodlers have quite finished, we shall, pending the imminent arrival of Mr. Ott, take great pleasure in introducing to your kind attention:

WILLIAM JENNINGS BRYAN

LAST IN WAR, FIRST IN PEACE, SAFE IN THE HEARTS OF HIS COUNTRYMEN.

THE HONOR OF THE NATION

THERE need be no misunderstanding with respect to the proposed repeal of the Canal-Tolls Exemption Act, and there should be no humbug in dealing with the subject. The facts are plain enough. The Hay-Pauncefote Treaty of 1901 provides explicitly that

the Canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or changes of traffic, or otherwise.

To maintain that this really means "all nations except the United States" is sheer subterfuge. If this had been the intent, the purpose could and would have been expressed clearly.

Nor is there any room for doubt as to the position of the Democratic party, whose representatives in Baltimore unanimously declared:

We favor the exemption from tolls of American ships engaged in coast-wise trade passing through the Panama Canal.

It is wholly idle to argue that this straightforward declaration is negated by another plank which vaguely denounces the granting of subsidies. It is equally absurd, moreover, to deny the binding force of the pledge upon the ground that it was inserted in the platform surreptitiously. The provision was debated fully in committee and was as clearly understood by the convention as any other.

Nor is there the slightest basis for the assertion that the matter escaped Mr. Wilson's attention or that he was misled. He both understood and approved, when he said in a public speech on August 15th:

One of the bills, just passed by Congress, provides for free tolls for American ships through the canal, and prohibits any ship from passing through the canal which is owned by any American railway company. You see the object of that, don't you? We don't want the railways to compete with themselves; because we understand that kind of competition. We want the water carriage to compete with the land carriage, so as to be perfectly sure that you are going to get better rates around by the canal than you would across the continent.

Whether or not the plank was proposed by Senator O'Gor-

man at the instigation of Mr. Lewis Nixon, the shipbuilder, is immaterial. It was accepted by Mr. Bryan in furtherance of his general crusade against the railroads and was exploited by Mr. Wilson in consonance with his insistence upon enforced competition. The purpose of both Mr. Wilson and Mr. Bryan and of both the committee and the convention was to win votes for the National ticket.

President Wilson now says:

With regard to the question of canal tolls, my opinion is very clear. The exemption constitutes a very mistaken policy from every point of view. It is economically unjust; as a matter of fact it benefits for the present, at any rate, only a monopoly.

As to this we are uninformed. The economic injustice, except perhaps as to the railroads, is not apparent, and, if evidence has been adduced showing that the various shipping concerns constitute a monopoly, the fact has escaped our attention. In any case, surely the injustice is no greater and the monopoly is no stronger than they were when the platform was adopted or when the candidate made his approving speech. We find here small occasion for reversal of position.

But Mr. Wilson continues:

It seems to me in clear violation of the terms of the Hay-Pauncefote treaty. There is, of course, much honest difference of opinion as to the last point, as there is, no doubt, as to the others; but it is at least debatable, and if the promises we make in such matters are debatable, I for one do not care to debate them. I think the country would prefer to let the question arise as to its whole-hearted purpose to redeem its promises in the light of any reasonable construction of them rather than debate a point of honor.

Here the President is upon high and firm ground. With a single blow he demolishes all specious arguments. A point of National honor cannot be debated; it must be heeded at whatever cost of consistency or material advantage. That is all there is of it; but that is enough. It is neither needful nor honorable to plead ignorance or to attempt disingenuous explanations. Mr. Wilson makes frank and manly acknowledgment of error and appears at his very best in so doing. The Democratic party must follow his lead and repeal the faithless provision or be utterly discredited in the eyes of this and every other civilized country.

THE COLONEL IN CHILE

If any argument were needed to show the desirability of making amends as promptly as may be to Colombia for the great wrong inflicted upon her by our government, it is afforded by the report in the *West Coast Leader*, of Lima, of Colonel Roosevelt's reception in Chile. The crowd gathered at the station was so "eager to see the great statesman" that the police with difficulty cleared a small space for the reception committee, but "at last the supreme moment came and Colonel Roosevelt jumped down from his Pullman, while the band played the American and Chilean hymns."

Almost instantly, however, "the human multitude, showing marked hostility, shouted with all their might vivas!—to Mexico and Colombia, and Down with the Yankee Imperialism! This multitude followed the American ex-President all the way to the Hotel Oddo in Calle Ahumada and continued their hostile demonstrations until the police charged energetically and dispersed the populace." Immediately upon reaching the hotel Mr. Roosevelt stepped upon a balcony and, waving his sombrero, shouted, "Viva Chile," but won no response.

The government was most courteous, giving banquets and receptions in honor of the visitor, escorting him to military maneuvers, evolutions of the army aeroplanes, and, most delicately of all, purchasing and destroying the newspapers which published accounts of the hostile demonstration. "It is a well known fact," continues the correspondent, "that Chileans, from the wealthy and aristocratic man of affairs and society to the most humble roto, hate everything that is from or is related to the country of Uncle Sam. A proof of this is the tremendous newspaper campaigns carried out by the daily *La Razon* of this city, which for the last fifteen days has devoted itself mostly exclusively to publishing personal insults against Mr. Roosevelt, and to declaring itself bitterly against his policy and that of his country."

The fact that it was President Roosevelt who "took Panama" and boasted of his act doubtless accounts for much of the hostility manifested against him personally, but it is a significant circumstance that the many "Vivas Mexico" and "Vivas Huerta" plainly indicated bitter disapproval of our present attitude toward our stricken neighbor. Altogether the story makes most unpleasant reading.

THE WORKING OF EQUAL SUFFRAGE

THE extraordinary uses to which the National platform of the dominant political party have been put of late call for more precise analysis and more extended consideration than can well be accorded in this number of *THE REVIEW*. In passing, however, while cheerfully heeding the call of consistency to indorse the Kansas farmer's opinion that "there's a mighty smart man in the White House," we cannot but question the sagacity of the President's response to the advocates of equal suffrage who sought his aid and uncommon counsel. To hold seriously, in view of certain unauthorized proposals already made to Congress, that he could not properly urge legislation not yet subjected to "organic consideration" seems altogether too much like shilly-shallying behind an unpetticoated platform.

Mr. Underwood defined the traditional Democratic position perfectly when he replied that all matters of the franchise were reserved to the States, and that, consequently, the suggestion of Federal action could not be entertained. Possibly Mr. Wilson felt that he could not well make this wholly natural and conclusive rejoinder while simultaneously he was demanding Presidential primaries, but if so the circumstance is unfortunate in consideration of the fact that more than one-sixth of the electoral vote in 1916 will come from States where women vote.

But it is not the political aspect of this incident, nor, indeed, the incident itself in its broader phase, that now engrosses our attention; it is the working of equal suffrage in actual practice as ascertained by an impartial investigating committee composed of twelve distinguished English ladies headed by Adeline, Duchess of Bedford, and the Marchioness of Salisbury. These ladies obtained letters of introduction to a representative selection of prominent citizens of the States concerned—clergy and ministers of different denominations, lawyers, educationalists, publicists, business men, former holders of public office, and the like, and a few eminent women; to all of whom a list of questions was forwarded, accompanied by the following appeal:

Several Englishwomen who are much interested in the question of the enfranchisement of women are desirous of knowing how it works in the States of America where it has been put into operation.

They hold very different views on this subject, some being in favor of

the change and some against it, but they all wish to know the result in those countries where it has been tried.

They therefore beg that you will answer the questions on the inclosed paper, or as many of them as you can, and return it in the addressed envelope which is inclosed.

Sixty-three replies were received, and are summarized in the *Nineteenth Century* from the suffragist and anti-suffragist points of view by the Hon. Robert Palmer and Mr. A. MacCallum Scott, M. P., respectively. A rough classification shows forty-six favorable to equal suffrage, as against eight neutral, five vaguely unfavorable, and only four definitely hostile. This Mr. Palmer pronounces "a very striking result," showing that the principle "is passing from the realm of controversy to that of universal approval among those who have seen it at work." Following is a consensus of the replies under the seven headings into which the *questionnaire* was divided:

Q. 1. Reasons for adoption.

(a) Was it a party question?—A. Nowhere, except partially in California and Colorado.

(b) Was there militancy?—A. None anywhere.

(c) Where did the strength of the movement and opposition to it lie?—A. Strength mainly came from "moral" influences and women's clubs; opposition from saloons and machine politicians.

Q. 2. Conditions.

A. The qualifications are the same for men as for women; about fifteen per cent. fewer women are on the register, on an average; women are everywhere eligible to the legislature.

Q. 3. How is the vote exercised?

(a) What percentage polls?—A. About five per cent. fewer than men, on an average.

(b) Have women formed new parties?—A. Nowhere.

(c) Is the balance of existing parties altered?—A. No.

(d) Do wives vote with their husbands?—About half say "yes" and half "no"—clearly individuals vary.

(e) Has the female vote affected the character of candidates for offices?—Thirty-eight replies say "yes," often quoting instances. Thirteen say "no."

Q. 4. How has equal suffrage affected women's position?

(a) Has it caused ill-feeling between men and women?—Over fifty say "no"; three say "yes."

(b) Has it increased women's interest in politics?—Over fifty say "yes"; about six doubt it.

(c) Has it impaired their usefulness in the home?—Nearly fifty replies say "no"; eight say that in some cases it has. One picturesque answer perhaps hits the nail on the head in saying "your flannel-mouthed suffragist is not a homemaking woman at all." But after all it is the *agitation* for suffrage which breeds the flannel-mouthed type; the grant quiets them.

Q. 5. Is there any agitation for its repeal?

A. None.

Q. 6. What is your general impression of the change?

A. This has already been summarized.

Q. 7. What legislation dealing with the following subjects has been passed since the women had the vote? Can the influence of the female vote be traced in any such legislation?

(a) Conditions of female labor.

(b) Protection of women and girls.

(c) Temperance.

(d) Education.

(e) Sanitation and milk.

(f) Industrial arbitration.

(g) Widows' pensions.

(h) Divorce.

Legislation on subjects *a*, *b*, and *g* is recorded in every suffrage State except Kansas, which had had no legislature since the grant, and "useful laws" have been passed in all of the States except Oregon and Arizona on subjects *a*, *b*, *c*, *d*, *e*, *f*, and *g*. The *questionnaire* selects the eight subjects on which it is thought women are most likely to use their votes. The replies from Washington and California, where three and two sessions, respectively, have been held since the grant of woman suffrage, show that the legislatures of both have already passed laws on seven out of those eight subjects in those sessions. On the "coincidence" theory the odds would be almost infinitely against such a thing happening; and when we find twenty-one answers from these two States affirming in unequivocal terms that these laws have been carried by means of the women's votes, no impartial mind can resist the conclusion that such is the truth. And in the still more extreme case of Oregon, where equal suffrage had been in force nine months, the only reply which deals with this part of the *questionnaire* enumerates laws of 1913 on subjects *a*, *b*, *e*, and *g*, and adds, "These were all due to the influence of women."

It may be further mentioned in this connection that on the only two of these eight topics on which reliable information covering all the States of the Union is to hand at the moment—namely, widows' pensions and the protection of girls by raising the age of consent to eighteen—the proportion of suffrage States which have legislated on these points is strikingly higher than that of non-suffrage States. Thus seventeen States altogether have widows' pension laws. Of these, six are suffrage States and enacted the laws since be-

coming so, and eleven are non-suffrage. But the six are six out of nine (two of the remaining three having had equal suffrage less than a year), and the eleven are eleven out of thirty-nine. Similarly, of the nine suffrage States seven have raised the age of consent to eighteen since granting equal suffrage (an eighth having done so just before the grant), while of the non-suffrage States the figures for 1911-12 (the latest available) show that then only four out of thirty-nine had so raised it.

The eight neutral answers are perhaps the least instructive, as they come from those who either think it is too soon to judge, or from those who have not observed any results from the change which justify a definite opinion. Not one of them mentions a single evil result, or fear of any, from the grant of equal suffrage.

The answers classed as vaguely unfavorable read like those of men who were opposed to woman suffrage and still bear it a lingering grudge, but can find no definite charge to lay against it. Most of them describe themselves as neutral. The worst they can find to say are the following: "Personally I do not believe in women voting, but I believe we cannot help it." "Much freak legislation, possibly due to women's influence." "Nothing accomplished which could not have been done as well or better without suffrage." These are absolutely the three most unfavorable phrases in these answers, which can none of them allege any definite harm to have resulted from women's votes, while four of the five admit some definite good.

Of the four definitely anti-suffragist replies, the following is a fair example:

I should say . . . that women's suffrage has not affected the situation in legislation at all. It has added an increased responsibility, which responsibility has, I think, *been well borne*, and it has sharpened animosities and lengthened them. Plainly speaking, the granting of the suffrage is an increase of the ignorant vote. *That it has not been so in Wyoming* is due to the fact that . . . there is a very high intellectual average among our women. The experience of Wyoming is no guarantee of the effect of suffrage where conditions are different.

"And this," remarks Mr. Palmer, "is what on a rough classification was set down as one of the four hostile replies! On second perusal, its place seems to be rather (unconsciously) among the most favorable. For here an

obviously 'unfriendly witness' coming from the Eastern States (where he had not seen equal suffrage at work), full of prejudice against it, tries to answer that it has been a failure, and is inadvertently betrayed into admitting that it is a success, but hastens to add that it might very likely be a failure somewhere else. The rest of the replies are uniformly favorable."

He concludes with these words:

Is not the matter quite fairly stated thus? If the women of England use their votes in the same kind of way and on the same kind of subjects as the women of these nine American States are stated to be using them, then the grant of woman suffrage will surely be a notable gain to England's welfare. And is there any ground whatever for supposing that they will use them otherwise or less sensibly? Let us leave it at that.

Mr. MacCallum Scott's summary differs in no material point from Mr. Palmer's. Indeed, the most noteworthy feature of both reviews is the scrupulous impartiality of admitted partisans as to matters of fact. But each is "of the same opinion still." Mr. Scott sums up as follows:

The conclusion to which I have come after reading through all the answers is that women through their votes have had some influence, quite different from the moral influence which they exercise without the vote, upon legislation. It is difficult to define this influence precisely. Frequent reference is made to the manner in which "moral issues" appeal to women. I cannot accept the view occasionally expressed that women have "a somewhat higher moral standard" than men, but it is quite possible that, holding the same moral standard, they may give different effect to it in politics.

I am impressed by several suggestions that women are much stricter and more ardent partisans than men; that they look to moral character in candidates rather than to ability; and that they have, in a greater degree than men, "a tendency to regulate morals by law." Men are on the whole more tolerant than women and inclined to allow a wider latitude of personal moral freedom so long as the rights of others are not interfered with. Women are, on the whole, more inclined to make their personal moral code a moral code imperative for others also, and to apply coercion to secure conformity.

Coercive legislation, depending as it does upon the physical arm of the law for its enforcement, if it is to be effective, must have behind it the physical strength of the country. If the majority of men should be against it, if its chief support comes from women who, while unable as individuals to exercise physical coercion, are yet able, through the ballot-box, to evoke the physical arm of the law, then there is grave danger in extreme cases of a general conspiracy to evade the law. Authority, finding itself with a task beyond its power, will wink at the offenders. Law will fall into disrespect. There will gradually grow up a hypocritical feeling toward legislation. "What does it matter what they pass? Let them pass anything

they like, and if we find it inconvenient we will evade it." If this became a general attitude it would destroy that sense of responsibility and of respect for law which is the firmest foundation for stable government.

Suffragists will take slight exception to an argument whose sole basis is vague apprehension that the enactment of better laws will imbue men as a sex class with a spirit of law-defiance. The plain logic of such reasoning is that it is not women, but men, who are unfitted to perform the duties of citizenship.

Taken as a whole, the result of the interesting inquiry constitutes a powerful backlog of evidence in favor of equal suffrage.

PERU FOR PERUVIANS

WHEN General Huerta assumed control of the Mexican Government on February 23, 1913, he telegraphed to President Taft:

I have the honor to inform you that I have overthrown the government. The forces are with me, and from now on peace and prosperity will reign.

When Colonel Benavides assumed control of the Peruvian Government, eleven months later, Carlos Leguia telegraphed to his brother, Robert Leguia, Vice-President of Peru, then in London, as follows:

By the glorious action of the army we are free from Billingham, who is now in the penitentiary.

The revolutions were oddly analogous. Like the Mexicans, the Peruvians are nearly sixty per cent. Indian, the remainder being approximately twenty-five per cent. mestizos, four per cent. negroes and Chinese, and less than fourteen per cent. whites. Like the Mexicans, too, they have a Constitution which provides for full, fair, and free elections, which are never held because, also as in Mexico, the smallest proportion imaginable can read or write. In 1912, there was no result whatever at the polls, for the simple reason that mobs burned the ballot-boxes; whereupon the Congress duly elected Guillermo Billingham President. He, like Madero, was a reformer and possessed the advantage of exceptional experience as soldier, diplomat, legislator, and administrator. That he tried earnestly to give his country an honest and efficient government is the common report. Indeed, the only accusation published against him is that he "ignored

the better class of people and drew around him people without social position who were ready to serve his will." Whereupon the "better," or ruling, class headed by the Leguias plotted to depose him. Colonel Benavides executed the plans formulated by Augusto Durand successfully, taking the capital by force of arms, putting the President in prison, and incidentally killing the Minister of War. He thereupon declared himself Provisional President and sought recognition from the United States of his *de facto* government, precisely as General Huerta had done. But there the parallel ends. Huerta was rejected; Benavides is accepted. It would seem, therefore, that we have, not a foreign policy, but foreign policies of varying consistency. But is this the fact?

The Administration's refusal to make explanation of any kind naturally has evoked much criticism from the Press, not of its action *per se*, with respect to Peru, but of its abrupt departure from the rule declared by the President to repudiate governments "stained by blood or supported by anything but the consent of the governed"; but for ourselves, we heartily applaud the President's attitude toward Peru for the same reason that we deplored his contrary position toward Mexico, viz., that it is no part of our business to say who shall or shall not be President of any country.

If it be maintained, as of course it may be with semblance of reason, that recognition of Benavides implies confession of error in refusing to recognize Huerta, then so much greater is the credit, and so much higher the honor, due the President for courageous and conscientious performance of distasteful duty.

Happily, in any case, we may safely regard the future of Peru as safe in the keeping of that time-honored diplomat of Democracy, the Honorable Benton McMillan, even though, as we are informed, he did have to consult an atlas in the Congressional Library to find out where the place was.

BACK TO PEORIA

PETERSBURG'S loss is Peoria's gain. Brother Pindell remains at home, no less to the satisfaction of his countrymen than to the regret and sorrow of the President. The happy decision was reached while the Honorable Jay Hamilton Lewis was half seas' over the Atlantic, returning in triumph from astonished London and bewildered Paris.

So the Russian Ministers guessed right, after all, when they could "scarcely believe that he will come here as Ambassador from the United States," and our own humble prognostication that President Wilson would not permit "the consummation of this absurd travesty" is fulfilled.

Not that we would suggest for a moment that Brother Pindell withdrew in conformity with an amendment to the original understanding reducing his tenure of office from one year to one week; not at all.

"When did you decide not to accept the appointment to Russia?" Mr. Pindell was asked.

"That really is a hard question to answer," he replied. "My conclusion in the matter was a slow mental development. The action of the Senate sub-committee to which my appointment was referred was so delayed by the illness of Senator Stone and by the rest of the Senate to finish the Currency Bill that I came to feel that the delay—the unavoidable unfortunate circumstances to which the appointment thus was subjected—prevented my going to Russia with the self-assurance that I desired if I would represent the administration as the President trusted me to do. Consequently the feeling grew on me that it was my duty, having been vindicated, to decline the ambassadorship. I felt that I ought not to go unless I could give the President the full benefit of my services. I thought that the long delay had prejudiced me, and with that feeling it seemed to me that my usefulness would be impaired."

The frankness and explicitness of this statement are equaled only by its reasonableness. Mental development is so slow at best that Charles Darwin himself, if fully apprised of all circumstances, could not have failed to marvel at its rapidity in this instance. Apologies, therefore, are unnecessary. Moreover, the official correspondence makes it clear that Brother Pindell's act was quite the reverse of involuntary. For the guidance of future historians we append the gracious and sympathetic communications which served, in the traditionally accurate words of Brother-Secretary Bryan, to "close the incident." Brother Pindell wrote first and as follows:

PEORIA, ILL., *January 28.*

DEAR MR. PRESIDENT,—I deeply appreciate the honor you have done me in nominating me Ambassador to Russia and the very great compliment paid me by the Senate in confirming the nomination by unanimous vote. I had hoped and confidently expected when you asked me to accept the post that I could do so at once and take up the work at a very early date. I am, therefore, the more embarrassed to find that circumstances have arisen which will render it impossible for me to undertake the mission.

I have, as you know, been put in a very false light by certain gross misrepresentations in the public press; and, while it is true that these have

been cleared away and the nomination accepted in its true light by the Senate after a thorough and dispassionate investigation, I feel that it would be more delicate for me to decline the appointment than to accept it. No controversy of this kind should surround the appointment of an Ambassador to a country which cannot be expected to be familiar with the real circumstances as they are known at home. There should be nothing personal to talk about or explain there, as far as the Ambassador himself is concerned.

I beg, therefore, that, trusting me to be guided by my own instinct in this matter, you will accept my assurance of deep gratitude for the honor you have sought to do me, and permit me, with genuine regret, but with no hesitation of judgment, to decline the appointment.

With sentiments of distinguished consideration, believe me to be, Mr. President,

Your obedient servant,

HENRY M. PINDELL.

That the President was dismayed we may well believe, but, seizing his pen with characteristic promptness and fortitude, he short-handed the following:

which, being interpreted, means:

Your letter does credit to your delicate sense of propriety and serves to increase, if that were possible, my admiration for you and my confidence in your eminent fitness for the mission which you now decline.

The President paused. Should he insist upon a patriotic sacrifice in the cause of common country and common counsel or should he concede the priority of high personal privilege? Sighing, he continued:

I can but yield to your judgment in the matter; because it is clear to me that feeling as you do, whether you are fully justified or not, you would not be comfortable or happy in the post. I, therefore, cannot insist. You will allow me, however, I hope, to express my deep regret. I know your quality so well and was so anxious to see you at St. Petersburg, that I feel a keen disappointment. It is only a very imperfect consolation that I may now again express my unqualified confidence in your ability, your character, your discretion, and your entire suitability for such a post.

Cordially and sincerely yours,

WOODROW WILSON.

The future historian, in whose interest we are continuing to labor, will naturally link these personal dissertations,

bologna-like, with the impassioned appeals of the Honorable Jay Hamilton Lewis already imperishably recorded¹ and thereby invite inevitable comparison. Sentimentally he will find little room for choice. Whatever the reference be, whether to the prospective joys of a little daughter or to the imperfect consolation of a saddened heart, a note of ineffable tenderness ripples zephyr-like through the entire galaxy. In stateliness and simplicity of diction, however, no less than in sweet reasonableness of spirit, the later contributions to this, our most dramatic of recent international performances, are incomparably superior. We like especially His Briefest Excellency's expression of feeling that "it would be more delicate"—instead, as some might have said, "less indelicate"—"for me to decline the appointment than to accept it." The concluding phrase, too—"With sentiments of distinguished consideration, believe me to be, Mr. President"—is, barring the excusable deletion of "dear" before "Mr.," perfect in form and indicative of complete, though perhaps recent, mastery of the language of polished diplomacy.

The President's style, in turn, is, as nearly ever, unexceptionable—no less clearly, cordially, and sincerely Brother Pindell's than Brother Pindell's own. The answer is, in effect, a certificate of character based upon the discretion which the recipient had politely but firmly manifested in response to the urgent and irresistible call of his delicate sense of propriety. As we remarked of the epistles of the Honorable Jay Hamilton Lewis, we "cannot recall a simpler, more straightforward, more definite, or in a way more touching transaction in American statecraft." What, then, is our amazement at beholding our discriminative neighbor, the *Sun*, depicting this correspondence as "an interchange of molasses"; as, indeed, "the last act and scene of a farce which no amount of deep gratitude, distinguished consideration, imperfect consolation, and unqualified confidence can dignify or excuse." If harsh and cruel words such as these be evidence of sophistication, praise God that we, in common with the Administration and Brother Pindell, still live and have our being in trustful ingenuousness!

And why should our other cultured and refined neighbor,

¹ See "The Case of Brother Pindell," *NORTH AMERICAN REVIEW*, December, 1913, Vol. 198, No. 6.

the *Evening Post*, say that "mystery ends in mystery" and then liken Brother Pindell to "a Cheshire cat of diplomacy," when everybody knows he is an original Wilson man? Such misrepresentation, in our view, is no better than Carabao and deserves a very serious reprimand.

Even more reprehensible is the conduct of our up-town neighbor, the *Times*, in directing attention to the fact that Brother Pindell's letter, although dated January 28th, was not made public until the day after "The Diplomats of Democracy" were introduced to the reading public on February 1st. But, adds the Washington correspondent of the *Times* under date of February 2d:

The letter is said not to have reached the White House until this morning. Mr. Pindell was in Washington last week. He left his hotel here Friday night. He is in St. Louis now.

The general opinion here is that Mr. Pindell resigned, not on account of Colonel Harvey's statement, but because of information of the same character as information which Colonel Harvey incorporated in his article. This information included an expression of sentiment said to be prevailing in Ministerial circles in St. Petersburg, which Colonel Harvey summed up in this sentence:

"This, of course, is a polite way of saying that, if Mr. Pindell should appear, his credentials would be accepted and he would be ignored."

We perceive no mystery here. True, time was when one might reasonably have expected that a letter posted in Peoria would reach Washington within five days, but that was before Mr. Burleson began to make ten millions a year—or is it a month?—out of the parcels post. Moreover, how could Brother Pindell have mailed the letter in Peoria on Wednesday when, according to the *Times*, he did not leave Washington until Friday night? The logic of the situation is so apparent and so clearly confounds the *Times* that, for various but sufficient reasons and regardless of an embarrassment that we feel to be almost visible, we shall offer no explanations.

We do, however, make contrite acknowledgment of error in saying that Brother Pindell's failure to relieve the President by withdrawing his name betrayed "a deficiency in mental and moral perceptiveness which leaves no doubt of his unfitness to serve as an Ambassador of the United States to another Power of equal rank, dignity, and national sensitiveness." That seemed to be true enough when written, but its lack of justification was made apparent

by His Excellency's prompt withdrawal on the day after publication. For ourselves, then, we would make amends, first by frankly and sincerely applauding Brother Pindell's manly action and, secondly, by inviting him to include his newspaper in the Administration clubbing proposition now being negotiated between the *Commoner* and THE NORTH AMERICAN REVIEW. (This, of course, upon the understanding that his arrangement with postmasters to become agents still stands.)

As for the President—at the risk of seeming presumptuous we feel in duty bound to suggest that the very least he can do, in grateful recognition of the faithfulness and originality of Brother Pindell as a Wilson man, is to ask the little daughter to the White House and thereby, if not wholly perfect, at least enhance, his own insufficient consolation.

COMMENT

The country may draw a long breath. The Postmaster-General is *not* going to resign. The startling rumor appeared in the columns of the *Houston Telegram*, in connection with a report that Senator Culberson was to retire and that Assistant-President House was hastening to Austin by the most speedy parcels post to arrange for Mr. Burleson's succession and incidentally for his own election as Governor of Texas. The editor of *Texas Topics* promptly communicated with the Assistant President in New York and received a reply which, although marked "Personal," he felt at liberty "under existing political conditions in the State" to make public. It ran succinctly as follows:

Culberson is not to resign; Burleson does not desire to be Senator, and I would not accept the office [of Governor] if it were tendered to me unanimously.

The authoritativeness of this statement is beyond question. Mr. House continues to be the most trusted counselor of Senator Culberson, whom he wished to see nominated for President, notwithstanding the fact that subsequent to the Baltimore convention he thoughtfully hitched his wagon to another star. Mr. Burleson, too, was Mr. House's personal appointee in the Cabinet, and answers promptly when the bell rings. As for himself, it was quite absurd to imagine that he would sacrifice his present exalted station

for a mere Governorship. Nevertheless, it is a relief to have official, though somewhat curt, information to the effect that Mr. Burleson, having put the country on a paying basis, is to continue as the chief source of National revenues, pending the sale of two thousand millions of two-per-cent. bonds at a premium for the purchase of telegraphs, telephones, and wireless aerials.

The bye-election in the Second Congressional of Iowa is not wholly devoid of significance. Results in recent years follow:

	Democratic	Republican	Progressive
1908	21,050	22,915	_____
1910	19,815	16,971	_____
*1912	19,371	8,303	13,602
1914	12,285	10,435	3,672

* For President. No Congressional contest.

The points of interest are: That the Democratic majority of three thousand in 1910 has disappeared; that Progressives are returning to the Republican fold so rapidly that the result in this district next November must be considered doubtful; but that, despite a shift of balance between the Republicans and Progressives, the Democrats still retain a plurality. Clearly, if this swinging back of Progressives should maintain throughout the country in the autumn, the Democrats will lose many seats, although perhaps not the seventy-four which the opposition must gain to control the House. The most important fact is that the chief Democratic losses and the corresponding Republican gains were made in the agricultural counties, indicating dissatisfaction of the farmers with tariff legislation embracing free wool. This is a most disquieting symptom from an Administration standpoint.

“It has been the practice of American Presidents,” says the *New York American*, “to select Ambassadors from men deserving recognition because of (1) eminence won in private station, (2) distinguished party services, and (3) some personal service to the President or a member of his official family.” The requisite qualifications comprise wide knowledge of public questions, ability to speak the language of the country to which one is assigned, income sufficient to main-

tain a suitable establishment, acquaintance with social usages, tact, affability; and an accomplished wife. It is also highly desirable at times to select and despatch one whose absence from the country in an official capacity would be more advantageous to the Administration than his presence at home in a position of independence. In view of these requirements and all circumstances, we respectfully suggest that an ideal appointment of Ambassador to France would be that of Mr. William Randolph Hearst.

Speaker Clark's prediction at last night's banquet that his fellow-guest, Senator Borah of Idaho, would be the next Republican candidate for the Presidency is not regarded here as a mere after-dinner platitude. The suggestion that Mr. Borah should be nominated by the Republican party in 1916 has been the subject of much discussion among Republicans recently. —*New York Times*.

Official information percolates slowly. If the reader will turn to the editorial page of *Harper's Weekly* of March 8, 1913, he will find the following:

A PREDICTION.

We predict to-day—May 17th, 1913—that the next Republican candidate for President of the United States will be William E. Borah, of Idaho.

Even at that early day the finger of Fate was pointing unmistakably and unerringly.

Speaks Secretary Redfield:

Aye, but you say, look at the depression. Well, look at it, look at it sanely, without passion and without prejudice. What do you see? But before you answer let me ask a second question: "Where are you looking?" Get the horizon big enough, else your picture will be but partial and may mislead. Where, then, is trade depression found? In India, in Argentina, in Brazil, in Germany, in England. Where is it least? In America. Where is the rising tide from such depression as exists felt first and most? Here, in America.

Aye, but we have looked—at the commercial reports—and find that England's trading in 1913 was the greatest in her history, and, aye, we have listened, too, by the sad sea waves and have heard but the ebb and flow of empty words.

This from the Associated Press:

VIENNA, January 26th.—The American Ambassador, Frederic Courtland Penfield, has at last succeeded in finding a home for the American Em-

bassy. Negotiations were concluded to-day for the rental of a mansion belonging to Baron Louis Rothschild in the fashionable Alleegasse. The property includes one of the finest private parks in Vienna and adjoins the palace of Archduke Leopold Salvator. The Ambassador hopes to enter into possession in March of what is believed to be the most commodious and stately residence occupied by any of the American representatives in Europe.

Of course. And why not? Quinine is a necessity.

There was one sentence in the latest message read by the President to Congress that ought to take the conceit out of the politicians. It was to the effect that legislation was rather interpretative than original.—*Minneapolis Journal*.

Likewise political platforms not only interpretative, but susceptible to interpretation, compared with which a rubber band is quite devoid of elasticity.

Comparative quiet reigns at present, but it cannot be said that the revolution is over, as Theodore has set up a provisional government of his own less than fifty miles from the capital.—*Despatch from Hayti*.

We knew it; but how on earth, under the sun or over the sea, did he get there?

"Sir Herbert Samuel informs me,"—POSTMASTER-GENERAL BURLESON.

It is indeed a privilege and a gracious act to knight a fellow-official. Mr. Samuel will rejoice to learn that it was not necessary to let George do it.

Secretary-of-the-Navy Josephus Daniels has consistently declined to make any statement for publication.—*The Commoner*.

What, again?

CAN REPUBLICANS AND PROGRESSIVES UNITE?

BY PETER S. GROSSCUP

WE have gotten far enough now into the Wilson Administration to see that Mr. Wilson is not merely the titular leader of his party (as Mr. Taft was accustomed to call himself) but the actual leader; that his leadership, though employing patronage and especially the withholding of patronage as one of its auxiliaries, does not rest chiefly on the power of patronage, but is an intellectual leadership; and that through this leadership there has been imposed on the old Democratic party a political philosophy from which it cannot now step aside, and upon which it must stand or fall in the elections to come. That there is beginning to develop throughout the country a distinctive fear that from an economic standpoint the philosophy may not be sound philosophy—fear from what is already happening to our industrial activity, and what is likely to happen—is equally clear. Mr. Wilson has been gathering around this new economic standard a large part of his regular democratic following, and to make up and maintain a majority he has never yet obtained is bidding for followers outside of the old Democratic party. That standard, scarcely put into practice, begins already to show signs that the result may be a substantial industrial recession. The intuition of the country is already stirred with the fear that it may not be adapted to America or to the new industrial era in which we live. And out of intuition, if the fruit borne is what is feared, will quickly come an opposition to the Wilson idea, potential enough to succeed if wisely utilized. Can common ground be found on which to mobilize that potential opposition into a united and effective *fighting opposition*?

We have gotten far enough along, too, in the development

of what is still a badly divided three-fifths of the voters who did not vote for Wilson to realize that the word "prosperity," the time-honored slogan of the old Republican party, and the phrase "social justice," the newer slogan of the new Progressive party, each pushed to the front *separately* and apart from the other, cannot become the basis of such a united opposition. To bring about a united opposition it is not enough to offer a programme based on material prosperity only (food and shelter only) rejecting everything else as a mere "idiosyncrasy" of the people; the new progressive spirit will not stand for that. Nor is it enough, on the other hand, to offer a programme made up of mere ideals of social betterment, rejecting everything else as the "commercialism" of the age; the common sense of the country, seeing that we must live even before we can begin to do good, will not stand for that. Nor is it enough that what is happening and what is liable to happen in our industrial activities is calculated to inspire a common fear of the Wilson philosophy; to successfully fight there must be a united opposing army—a common political purpose—that has a standard of philosophy *of its own* to oppose to the Wilson standard. For the battle when it comes cannot be a battle of interests only; it must be a battle of ideas also.

What, then, in its concrete essence is this Wilson philosophy? Is it, fundamentally, right or wrong? And if wrong can an opposing philosophy, fundamentally right, be mobilized, that will appeal not only to the interests of men and women, but to their ideas as well. These are the preliminary questions to be answered, to which Republicans and Progressives alike, before a final answer is made, should bring the application of all the political common sense they possess.

Mr. Wilson has phrased his political philosophy the "New Freedom." That indisputably is a catchy political slogan. His favorite word is that he comes "to emancipate." That, since the Republican Lincoln gave it a meaning in American history, is a catchy political slogan also. The "emancipation" he holds out is escape from industrial bondage—industrial room for everybody; a very attractive prospect if his philosophy could accomplish it. But where will that philosophy actually carry us? Which way, in those concerns of actual life that come nearest our

doors, is it headed? What, in its application, not to an ideal world, but to actual present-day conditions, does it mean? *Measured not by words, but by actualities*, what does this "New Freedom" portend?

But let us not, in answering these inquiries, be side-tracked by collateral matters such as the existence or extent of "invisible government." A rich mine of public interest, some of it justified by actualities, some imagined only, has been opened up by the Progressives in that phrase. Mr. Wilson does not himself use that phrase—he doubtless regards it as already politically copyrighted. But he utilizes as a political asset the conditions, both actual and imagined, out of which the phrase arises. And to the extent that he thus seeks to drive out corrupt interference in government by those who interfere only for selfish ends, he is entitled to the approval of the American public. But that is not what he means, or wishes us to understand he means, by the phrase "The New Freedom." His new freedom, he himself indicates, is more fundamental than that. The so-called "invisible government" is a strictly political, or rather moral, aspect of government. This new freedom, as Mr. Wilson points out, goes to the *economic and industrial conditions* of the times, of which invisible government, the unsatisfactory distribution of prosperity, and the consequent unrest are but the logical outcroppings. It is from an economic or industrial "bondage" that his new freedom proposes to emancipate us.

Now the economic postulate on which this Wilson Freedom centers is, that industry and commerce are now just what they were a hundred years ago, a matter of *single-handed combat* between man and man; not a matter, even in part, of combat between the men of one nation and the men of another, but single-handed combat between man and man, *the world over*, without concern on the part of the nation of whether a particular combatant lives on one side or the other of the line that divides the nation from other nations. And as a corollary to this postulate, a further postulate: that the sole function of the nation, even among those at home, is to see to it that whatever may be the fortunes of the war going on between those at home and those abroad, *the war among those at home shall go on nevertheless*—and that, too, without regard to what is taking place, in the way of organization or co-operation,

among our competitors abroad. That is the Wilson idea—competition with the whole world, so framed that the competitors on our side the line can call to their aid none of the industrial forms of organization that are utilized on the other side—no national solicitude, *put into the shape of law*, for the man at home, even against the man abroad—the man at home prohibited from utilizing, even under national regulation, the forms of business organization employed by those abroad. Hence the newly enacted tariff—its protective features are confessedly only to make the slide down-hill not too precipitous—the ultimate purpose of which is to put men engaged in industry at home on the same competitive level with men engaged in industry abroad. Hence, too, his so-called anti-trust policy, foreshadowed in the New Jersey “seven-sisters bill,” the necessary effect of which will be to prevent men engaged in industry at home from utilizing those forms of organization under which alone they can successfully meet, on a common competitive level, the forms of organization utilized by men engaged in industry abroad. And hence, too, his diplomatic policy—he calls it the recall of dollar diplomacy—which leaves the American who has ventured to extend our industry abroad without even the prestige of his country behind him—the only competitor in those fields behind whom the country to which he belongs does not stand. And that this emasculation of the nation, *as a nation*, of every function aside from strictly political functions should be entirely consistent, Mr. Wilson’s solicitude for the betterment of social conditions begins and ends in “solicitude,” leaving all practical measures in that behalf, except within the narrowest interpretation of the interstate commerce clause of the Constitution, to the several actions of the States. To sum it up, Mr. Wilson is for “competition”; but in his concept of competition there is no such thing as national lines; no such thing as “our own country”; no such thing as the nation taking any hand in the industrial concerns of its people except as policeman to sternly keep the combatants to the fight until one or the other is finished. In other words, we must return, so far as industrial organization goes, to the primitive concept of man against man, and thus, at the very outset put out of the running ourselves in this modern world, challenge the world to a free-for-all race for our own markets.

There was at the beginning of our history a political school that tried to eliminate the nation as a constructive force, of any consequence, in our political life. It took almost a century to eliminate that school. The great deed of Lincoln and the Civil War—even greater than the emancipation of the slaves—was that they made us a nation. This new industrial philosophy is that old political philosophy transferred from the then new political conditions to the now new industrial conditions. The central thought in each is the same—the nation as a *constructive* force in the life of the people minimized—a return after more than a century of our growth, that measured by industrial change has been longer than all the other centuries put together, to a form of suppression of the nation, as an industrial agency in the lives of the people, that, had it been followed politically, as the earlier school on which it is modeled would have followed it, would have made Lincoln an impossible figure in our history.

Now against this Wilson idea what shall be the opposing idea? Plainly, it would seem, to take direct and downright issue with it. Against this Wilson idea that the nation, as a nation, has no *constructive* function in the concerns of our people other than politics let us put forth as *our* faith that the constructive function of the nation reaches those concerns of the people that lie immediately at their doors as well as their politics—that this thing we call the “nation” is not a mere term in geography; not a mere organized protection against *armed* invasion from the outside; not a mere police officer between what otherwise would be unrelated warring individuals. The roots of the nation sink deeper than that. Its solicitude extends to every home in the land and to every condition that affects that home; to every business in the land, and to every condition that affects industry and business, for on these the conditions of the home rest; to every farm in the land; and one of its supreme functions is to see to it that this solicitude is translated, fully and always, into help and action. What is the matter with America, at the present moment, is not that, beginning with the administration of McKinley, and continuing through the administrations of Roosevelt and Taft, the farmers were able to pay off their debts and lay away a big surplus in the banks; nor that business became big; nor that the markets of America were held by the enterprise

of America. The only thing the matter with America is that during this extraordinary period of industry the power of the nation to correct the accompanying abuses was not fully evoked and fully put into action. There were, undoubtedly, excessive profits in certain quarters fostered by the rigidity of the then existing tariff laws; a permanent tariff board, with power to raise and lower tariffs, as the Interstate Commerce Commission can raise or lower railway rates, so as to keep the profits reasonable without surrendering our markets to the foreign competitor, would cure that. Under a free-trade policy the general effect will be that the competitor abroad, when he undersells, will *just* undersell the competitor at home—will have what is called in poker “the edge” on the man at home; a permanent tariff board with power to adjust rates would keep that “edge” at home, in favor of the man at home; in either case the cost to the consumer being about the same. There were, undoubtedly, consolidations of business that in too many instances divided to the organizers, in advance, the advantages that ought to have gone to the country at large in the way of reduced prices; a permanent industrial board, with power over the organization of interstate corporations and their securities, and some of the visitorial powers exercised by the German Government over the great German enterprises, would go far to cure that. There have been, undoubtedly, accumulations of private fortunes that ought not to have taken place. The growth of the country’s wealth has not been as widely distributed in the permanent form of individual interest in property as both justice and republican security would dictate. But with eight and forty States each granting charters to interstate business, and claiming control, some without any solicitude respecting security in the matter of corporate property—the nation standing wholly aloof—is it any wonder that the average man has stood aloof, also, from any proprietary interest in the new great domain, except as he has gone to the so-called money trust, the only winnowing process at hand, to winnow out for him the good from the bad? Hence the money trust itself—built upon what the people at large have saved but have held aloof from *directly* investing. An intelligent national corporation policy would go far to cure that, and could be made to stimulate immeasurably the beginning belief that association between employers and

employees as common proprietors is better than industrial war. And the moral dividend owed by prosperity to humanity, in the way of bettered conditions of labor, has by no means been adequately met. The nation, as a nation, has powers in that direction that have not as yet been more than touched.

But because these abuses have arisen shall the function of the nation in the lives of our people be sunk to the level of a mere protector against *armed* invasion from without, and a mere police officer within? Mr. Wilson and his philosophy in effect say Yes; and that is the issue he tenders the country. Because there are places inside the structure where the structure is wrong, he would tear it down, leaving our people to camp industrially on the plains of the world and on the levels of the other peoples of the world. Old-time Republicans, and a large majority of the Progressives, I feel sure, believe in their heart of hearts that the structure itself, from corner-stone to roof ridge, is nearly right; that what should be done is to intelligently remodel the places where abuses have crept in, keeping the structure intact; that what our people need is not a policy of indifference as to which shall win, the man at home or the man abroad, but a policy that affirmatively favors the man at home; not a policy of determination that the equipment at home in the way of regulated organization shall not keep pace with the equipment abroad, but a policy that leaves largely to industry its own processes of evolution under a national system of regulation that really regulates—a solicitude of the nation for its people *clothed with power* to perform. At the present moment the Wilson administration is popular—is perhaps at the height of its popularity. But it is a deceptive popularity. Measured by votes, it is a popularity “not proven,” for while *two-fifths* of the electorate may carry States when the opposing *three-fifths* are divided, as was the case in New Jersey and Massachusetts in November, two-fifths does not constitute a majority when the three-fifths are united. Measured by any change in the cost of living, or by increased or diminished activity of home industry, the Wilson idea has not had time to either prove or disprove itself. But that it will ultimately and substantially diminish industrial activity few practical men deny—no people can eat its cake and at the same time give it away; and that it will substantially diminish the cost of

living few practical men believe—the cost of living will remain about where it is. And when the country once wakes up to these two realizations, even the two-fifths on which Mr. Wilson rode in, and the two-fifths that has since come to his support in the by-elections, will begin to crumble.

Now how can these three-fifths be turned into an effective majority? Never—as long as they remain substantially divided. Mr. Wilson's political philosophy is founded upon unbelief in the nation, as a nation, supported only by a minority of the electorate; but as against the genuine orthodox belief of what is the duty and mission of the nation, as a nation, the unbelief will remain triumphant as long as the majority divides on details. The problem, therefore, is to get that majority together under a common paramount political belief—the nation the trustee of its people, industrially as well as politically, with power to build up as well as power to punish—and, such belief once formulated, to organize that belief into a compact fighting party. The Republican National Committee has put forward a plan of reformed representation in the coming National Convention that, in addition to the prevailing unit of the States' representation in Congress, apportions delegates upon the basis of the votes of 1908 and 1914. This is a step in the right direction. It ignores the Taft vote of 1912 as the constituency to be represented. What that constituency shall be—who shall elect the delegates in 1916—is left to the call to be issued later. So, advisedly perhaps, at least fortunately, that question is still open. Now suppose that instead of inviting "Republicans" to send delegates to the Convention, the Committee should invite all who are opposed to the Wilson policy of denationalization and in favor of maintaining the nation as the trustee of its people, industrially as well as politically, to join in a Progressive Republican Convention, would not a responsive chord, in Republican and Progressive hearts alike, be struck? And why should not the Committee do that generous and sensible thing? Why should not the State Conventions, to whom the plan of reformed representation is referred, ask the Committee to make such call? Of the two fractions constituting the majority of the country opposed to Wilson, the Republican fraction is the older, and can afford, therefore, without the loss of dignity or the fear of confessing itself a suppliant, to make the first overture. Besides, it

has a precedent in its own history—the most thrilling hour of its history; for when in 1864 it was found necessary to unite those who were in favor of the nation against those who threatened to destroy the nation, the invitation was not to Republicans only, but to “all qualified voters who desire the unconditional maintenance of the Union and the supremacy of the Constitution . . . to send delegates to a convention to assemble at Baltimore”—an invitation that brought Republicans and War Democrats alike into a Union-Republican party.

And pending this, why not put this spirit of reunion, as far as possible, into actual practice—go to the voters of both the Republican and Progressive parties with something that would give them practical opportunity to say yes or no to the *proposition to unite*; as, for instance, to have some well-known man of liberal tendencies to come out for the nomination for Senator at the primaries of both parties, in States like Illinois, Pennsylvania, and New York, where Senators are to be elected in 1914, upon a platform of *united resistance* to the Wilson idea of denationalization? The same course could be followed in many Congressional districts; the point being that in connection with the suggested call for the National Convention, there would be set in motion a natural process of reunion in which personal resentments would disappear in the greater absorbing power of a *commanding cause*.

Of course there is in the Republican party a considerable section who do not wish any correction of present-day wrongs either by retrogression to primitive conditions, the Wilson way, or by the nation itself, lifted to a new conception of its power and its duty—a section whose political strategy is to keep the situation so nearly balanced, as at present, that nothing substantial will ensue. We must count on those as opposed to the plan. And there is in the Progressive party a considerable section who are all sail and no ballast. These, too, must be counted out. But count all these out and a majority of the voters of the country who have not yet joined the Wilson propaganda still remain. The question is not one of numbers, but of energy—is there political energy enough to mobilize the majority? The material is at hand; a concrete issue is at hand; can there be summoned behind it the political energy that will set it in motion? Is the country indifferent?

That depends, perhaps, on what transpires in the world of commerce and industry in the next few months. Party policies are not made—they emerge. Leaders do not create the tide—they are only the earliest to appear on the tide that is pressed forward from behind. When a party comes into power, or back to power, it is because it has come upon a rising tide.

The return of the Republican party to power in 1897 was attended by a prosperity that amazed the world and amazed ourselves. Its cause, chiefly, was the sudden access by mankind to the forces in nature that, developed, have created the new environment in which we live. For the first time mankind began to fully realize what lay at its door in these new forces in the way of increased power and helpfulness. It was as if a new world had been discovered. But it was a world whose lengths and breadths of opportunity were traveled at first by only a few of the keener business minds; and as new continents have been snapped up by the pioneers, so this new world was snapped up by those earliest on the ground. And it was a world also without law or regulation, except the law carried into it from conditions entirely different and entirely inadequate.

These events brought their own consequences. The old units of industry and commerce had to give way, in this new world, to new and entirely different units, some of them immensely greater than the old ones. For the creation and regulation of these the then existing laws made no adequate provision; and without such provision the race into the new world of industry was necessarily a free-for-all, selfish always, sometimes brutal, in which nearly everything worth while went to the strong; and only what the strong did not want was left to the multitude other than the strong. In other words, in any permanent interest in this new great domain of property that has made us the richest nation in the world, the multitude was left behind. For a little while, absorbed by the from "day to day" prosperity in which it participated, the multitude remained silent. But permanent silence could not last. Silence was soon followed by inquiry—at first a sane, reasonable inquiry founded on the moral right of every one to have some interest in what is the product of all. But this also, in the nature of things, could not last; for, like the incoming tide, a public protest, founded on right, unless directed into channels that lead to

the right, is bound, sooner or later, to reach and break upon the shallows.

The shallows were reached. Leaders emerged who, overwhelming the few who were trying to point out what was wrong and how it could be righted, proclaimed that nearly everything was wrong and should be destroyed. The Constitution itself did not escape. Even serious men have begun seriously to inquire if our present Constitution be not an outgrown form of government. From college professors have come books teaching that this Constitution for whose maintenance the country was called in convention to renominate Lincoln in 1864 was merely the device of the plutocrats of that day to fortify the plutocracy of that day. The natural right of men and women to hold as their own that which they have acquired, under conceptions of natural right as old as the beginning of time, has not escaped. No less a person than a member of Mr. Wilson's cabinet has recently announced, in connection with the copper strike, that the right of property is not anything that *government* may not rightfully take away. Government by measured public opinion has not escaped. It is no mistake to give public opinion the means of reviewing, deliberately, matters done in its name by its agents, or even of initiating, deliberately, matters refused; but in too many instances the "initiation of the means" has been put almost entirely into the hands of the temperamentally dissatisfied. And so one by one the anchors of society—the Constitutional Rights of men, the Natural Rights of men, and government by Measured Public Opinion—have begun to drag. Is it any wonder that old-fashioned American thrift and patriotism, in the midst of the resounding shallows, sometimes tremble as if they were in the presence of a rising storm?

But reaction is on the road. Already some of the States that adopted the initiative, referendum, and recall are devising means of limiting the exercise of that power to the *real occasions* upon which it should be exercised by the people directly, and to that end are providing that the requisite petitions be signed by the petitioners in person, in the clerk's office of the respective communities, after the petitioner has shown his qualifications as an elector. Experience has been at work here. And, if an industrial reaction comes, Experience will teach another lesson, the

lesson that the foundations of prosperity are an industrial policy founded on stability and common sense; for in the presence of an experience that is any substantial recession from the prosperity Mr. Wilson found when he was elected, policies will begin to be tested again, not by how they *sound*, but by what *they bring*.

But be the reaction whatever it may, it is for us not to forget that *in its beginning, before it struck the shallows, the tide was right*. That is the indisputable fact sunk deep in our public consciousness that has given to Mr. Roosevelt and the Progressive party their tremendous hold on the people's confidence. The protest of Mr. Roosevelt and the Progressive party was a protest against a moral wrong. Mr. Wilson's hold on the American people is their belief that he is in earnest also in his wish to right this moral wrong. For government is not *wholly* a business proposition; it is a human proposition also. And no party can hope to succeed, or will deserve to succeed, that seeks to use industrial reaction to restore to *its old place* the moral wrong out of which the tide originally arose.

Will we, the Republicans who do not wish to go back beyond the point where the tide was right, and the Progressives who do not wish to go forward beyond the point where it struck the shallows, have the wisdom to hear and heed this, the voice of the age? Individuals hear it; Mr. Ford, for instance, of the Ford Automobile Company has just ordered \$10,000,000 to be paid as a dividend (not a gift, but a dividend) to the men who have helped him achieve his great success; and others are doing things on the same line. Supplement this noble individual conception of what is right with a national corporation policy that will securely invite the people's investments in the corporate property of the country, without necessarily, as now, going through the winnowing process of the so-called money trust, and a real peopleization of the great new world of property will have begun. Other individuals hear that voice—men and women who are working for humaner conditions of labor, better tenements, juster compensation for both injuries and age—the moral dividend that prosperity owes to humanity. - Will the reunited party hear it? Will we accept in earnest that side of the people's problem—put the nation behind it instead of the States—and then advancing to the economic problem to which everything eventually goes back, accept

Mr. Wilson's challenge that the nation has no concern toward its people, except as policeman to see to it that the single-handed combat goes on, both at home and in our industrial contests with those abroad, as if we were still living under the old schools of political economy that recognize no national lines and no change in the times. Let the issue between the Progressive-Republican party and Mr. Wilson be made right there. Let the Progressive-Republican party put behind its solicitude for the people the *power of the nation* to make good that solicitude. And if it be necessary to deal with new problems—the product of the new times—let it not shrink from dealing with them intelligently in the light of the new times.

PETER S. GROSSCUP.

TWO SUFFRAGE MISTAKES

BY MOLLY ELLIOT SEAWELL

THE PROPOSED SUFFRAGE AMENDMENT TO THE CONSTITUTION

THE National Woman Suffrage Association and the entire body of suffragists stand fully committed to the proposed Constitutional amendment, conferring suffrage on women. A Congressional Committee of suffragists, with headquarters in Washington, and also a Congressional Union, have been organized to work for the proposed amendment. A large sum of money is being raised to prosecute the campaign, and members of Congress who oppose the amendment have received official warning that they will be fought in their home districts, and the Democratic party as a whole will be held accountable if the amendment is not submitted to the legislatures of the several States.

The party in power has apparently shown great shrewdness in meeting the suffrage crisis. One of the first acts of the party leaders at the called session of the Sixty-third Congress, in April, 1913, was to have a Committee on Woman Suffrage appointed in the Senate. This committee was carefully selected with a view to prompt and favorable action on the suffrage amendment. That the course of the committee was prearranged by the Democratic leaders was assured in the statement of Senator Thomas, of Colorado, the chairman. Senator Thomas announced, immediately after the appointment of the committee, that, although a hearing would be given to the women opposed to suffrage, the committee had already determined to report favorably the suffrage resolution. This was done, the resolution being Senate Joint Resolution Number 1 of the Sixty-third Congress. The Democratic leaders played the game and the suffragists seem to have accepted as bread the stone offered them by the Senate. Thus, the party leaders skilfully put the Democratic Senate on record as indorsing woman suffrage, and

threw the issue promptly into the House of Representatives, which was and is the real battlefield. It was understood that as soon as the tariff and the currency bills were disposed of, the suffrage issue should have the right of way. The suffragists, who do not seem to have suspected the political management of the case, as soon as the Committee on Rules assembled, after the Christmas recess, asked that a Committee on Woman Suffrage be appointed in the House of Representatives, as in the Senate. This request was perfectly reasonable, but was promptly denied. The vote ignored party and sectional lines, thus showing that the Republicans saw the astuteness of the Democratic programme, and were willing to profit by it.

After the refusal of the Committee on Rules to appoint a House Committee on Woman Suffrage, the question was brought before the Democratic caucus on February 3d and received a severe defeat, 123 to 57.

These defeats, however, have in no way changed the intention of the suffragists to continue the battle for the suffrage amendment, and they have so announced through their officials. Indeed, no other course is open to them, after having organized for the purpose of getting a suffrage amendment, and, as in the case of other political organizations, the only way they can secure victory is by defeating their opponents at the polls.

So, by good political management, the Democratic leaders have put the Democratic Senate on record as favoring woman suffrage, and by forcing the fighting in the House of Representatives they have succeeded in bringing the suffrage issue before the people in time for the November elections of 1914. Then, the real strength of the suffrage movement will be known eighteen months in advance of the national convention of 1916. Of course the attitude of the two great parties toward woman suffrage in 1916 will be determined by the showing of the 1914 Congressional election.

But there are conclusive reasons for saying that no suffrage amendment of any kind will ever again be incorporated in the Constitution of the United States. Never in the history of politics has there been a more vivid example of misdirected energy or greater unfamiliarity with the structure and history of the American Government than in the efforts of the suffragists for a woman suffrage amend-

ment to the Constitution. It requires only a rudimentary knowledge of the government and political history of the United States to see the practical impossibility of three-fourths of the States adopting a suffrage amendment.

The right of a State to create and control its own electorate is the corner-stone of its autonomy, and where there is a race problem involved it is the rock upon which its civilization rests. The proposition made by the suffragists is, that the States shall voluntarily give up to the Federal Government this great fundamental right of creating and controlling their own electorates, a right upon which their liberties are based, and this for the sake of woman suffrage, which any State may acquire at any time without giving up any right of any sort. Under the proposed amendment there would be in every State two electorates—a masculine electorate, created and controlled by the State, and a feminine electorate, created and controlled by the Federal Government. The electorate of women would be entirely above and beyond the laws and forces of the State, which could neither regulate, control, amend, nor abolish it. If as many as thirty-seven States adopted the amendment, it would be fastened upon the twelve remaining States against their protest. And if these twelve States should be the populous States, the amendment might be forced and fastened upon the country by a minority of the votes of the country. The women who would constitute this Federal electorate would not be allowed a voice in the revolution that would charge them with vast responsibilities, take away their property privileges, as in the suffrage States, and alter their status in every particular, because the suffragists do not contemplate any referendum to women. As a matter of history the suffragists have consistently and successfully opposed a referendum to women, of whom only 8 per cent. in the United States are on record as favoring suffrage. The feminine electorate proposed to be created by the woman suffrage amendment would necessarily constitute a privileged class, helpless and irresponsible, enacting laws which they could not enforce, legislating upon naval and military affairs, shipping, navigation, and other subjects in which no woman has any practical experience, and exempt from naval, military, police, fireman's and all life-saving duty, and all dangerous employments, unable to assist in the enforcement of law or the maintenance of order. This division would be

strictly one of sex, as every man at some period of his life can perform these duties, while no woman at any period of her life can perform them. The situation would be further complicated by terrible race problems. There are, in the Southern States, approximately 2,000,000 negro women; in Oregon, 366 Chinese and Japanese women; in Washington, 1,298; and in California, 5,936. It is the invariable tendency of all alien races to act as a unit, and this was very clearly emphasized when the Federal Government once before attempted to create an electorate independent of the State, which might and did defy the State. The negroes, when they voted, gave their solid vote to the Republican party. These 2,000,000 negro women might, if they chose, dominate the Southern States, and the 7,600 Chinese and Japanese women in California, Oregon, and Washington, where Asiatic men are not allowed to vote, might swing those States in matters, not only of trade, but of war or peace with China and Japan. To complete the shrieking and screaming absurdity of the proposition, if the amendment should, or rather could, be adopted, it would appear on the face of the Constitution as if women alone voted in the United States, as there is no mention in the immortal document of men voting.

On the part of the Federal Government, the creation of the proposed electorate would be easy enough, like letting the genie out of the trunk. But any attempt to defend, control, or even regulate it, except in the weak States, would be practically impossible. It is one of the features of supreme wisdom in the Constitution, that although the Federal Government has ample power to protect the States, and to settle differences among them, it has no machinery to rob them of their liberties except the army and navy, for the small force of United States marshals and their deputies is totally inadequate to control or even protect an electorate unless it be phenomenally small. This shows another integral feature in the American Government—that an electorate which cannot protect itself has no place in the American system. The Federal electorate of women which the amendment would create is, approximately, 13,000,000. It is true that the Rev. Anna Howard Shaw, President of the National Woman Suffrage Association of the United States, stated before the Senate Committee on Woman Suffrage, on April 21, 1913 (Senate Joint Resolution 1, of the Sixty-third Congress, page 93):

I have heard the statement made over and over again, that men are afraid of adding the large illiterate vote of the women to the illiterate vote of the men of to-day. While we will add some illiterates, about 3,000,000, you know we will add 24,000,000 of voters, and you can afford out of 24,000,000 votes to take 3,000,000 of illiteracy, and have 21,000,000 of intelligence left. (Applause.) But we will not only cancel our 3,000,000 of illiteracy by 3,000,000 of intelligence, which will leave us 18,000,000 of intelligence, but being generous to men, we will give 4,000,000 of intelligent women to cancel 4,000,000 ignorant men, and then we will have left 14,000,000 of intelligence to add to your 21,000,000 of intelligence, and see what an improvement that will make in the whole nation. (Applause.)

If Miss Shaw's figures be correct, the women, when enfranchised will be able to outvote the men nearly two to one. The official figures of the Presidential election of November, 1912, when the largest vote ever cast in the United States was polled, amounted to 14,720,057, and according to the latest official figures there is an excess of 2,692,288 men in the country. The electorate of women which the Rev. Anna Howard Shaw proposes to create with the assistance of not less than thirty-seven States would therefore be about 13,000,000, instead of 24,000,000 as the Rev. Anna Howard Shaw innocently supposes, that is, provided the figures of the United States Census may be taken seriously and not considered as practical jokes. "Oh, *sancta simplicitas!*" as Mephistopheles says.

Another embarrassment provided for the Federal Government by the proposed suffrage amendment is that the Federal Government would be obliged to define all the qualifications of all the women voters in all the States, and these qualifications would, of course, have to be identical. This would inevitably produce conflicts with State laws, as the qualifications of voters are by no means the same in all the States. It would also lead to disputes between the States concerning the fourth article, second section of the Constitution, prohibiting a State from granting to the citizens of one State privileges not common to the citizens of the several States. It would, of course, be necessary for every State which adopted the amendment—if any of the States adopt it—to revise its constitution. Revisions of constitutions are tedious and expensive performances.

Not only does the proposed suffrage amendment provide generously for the Federal Government in the way of complication at home, but it carefully and thoughtfully lays up

a store of dangerous embroilments with foreign Powers. It would make voters out of Chinese and Japanese women, while the laws of certain States preclude Chinese and Japanese men from voting. It is true that Chinese women, under the leadership of the suffragists, voted in San Francisco at the Presidential election of 1912, but their votes were probably illegal. The denial of equal rights to the Chinese and Japanese men would cause demands to be made upon the United States by powerful nations with arms in their hands, and the ladies who would have brought about these cataclysms would be of no service whatever in the defense of the country.

Attractive, therefore, as this suffrage programme sounds, it cannot be accomplished. The creation of a Federal electorate independent of the States is in the nature of an exploded experiment, and the history of the fourteenth and fifteenth amendments and the frightful record of reconstruction in the Southern States show conclusively how a Federal electorate, beyond and above the power of the State, would work. Those two amendments were hasty and retaliatory legislation, which was never approved by three-fourths of the States, and which have no defenders to-day, except the suffragists. The Southern States never made any pretense of submitting to the fourteenth and fifteenth amendments, but, obeying the natural and higher law of self-preservation, gave notice that the electorate created by the Federal Government would vote at its peril. Here came in one of the many and admirable checks and balances of the great charter of American liberty, the Constitution of the United States. Although Congress might enact foolish and wicked legislation, like the fourteenth and fifteenth amendments, which through a Federal electorate would have handed over to anarchy eleven States in the Union, it had not the power to carry out the mandate to throttle those States. The army and the navy are the only available forces of the United States, and the American people never have tolerated and never will tolerate the presence of soldiers and sailors at the polls. The few feeble and sporadic attempts to use the army for the defense of the Federal electorate were disastrous to the party in power, and the excellent precedent was established that an electorate under the American system must be able to defend itself, and to carry out its own will, independent of military

forces, and thereby accept the responsibility of its own votes. When the true nature and the tyrannical and destructive principle of a Federal electorate were realized, the whole country acquiesced in sending the fourteenth and fifteenth amendments to the scrap-heap of legislation. Meanwhile the States passed election laws to suit themselves and flatly conflicting with these two amendments. The courts sustained these laws and the fourteenth and fifteenth amendments died legally as they had died actually.

But although the question of the Federal Government creating an electorate in a State was settled for all time, yet even the weak and temporary effort to sustain this electorate resulted in terrible disorders and lasting complications. The Federal electorates and Federal Government imposed upon the Southern States incurred vast debts without the authority of the States, looted the State treasuries, and laid up a store of political and financial embarrassments which are continually coming up to plague those States even at the present day. However, the Federal electorate passed out of existence, and there is no probability that it will ever be revived, particularly for woman suffrage. Any State may adopt suffrage in a perfectly sane and safe manner, without handing itself over, tied hand and foot, to the Federal Government, which does not want and cannot manage such a charge.

It is perfectly safe to say that the eleven seceding States would immediately retire to private life any Senator or Representative in Congress who would vote to create a Federal electorate, especially as it would be accompanied by the enfranchisement of two million negro women. Some of the Southern suffragists attempted to meet this difficulty by imitating a section of the British suffragists, who published a list of governmental questions in which they did not propose to interfere, such as the army, the navy, etc. Miss Jane Addams, Vice-President of the National Woman Suffrage Association, has, several times, in print and in speeches, suggested that women shall vote only upon questions directly affecting their own interests. The Southern suffragists declared they did not mean to enfranchise the negro women. But how can they prevent it if the suffrage amendment should be adopted and become a part of the organic law? And what is to

be thought of an electorate such as certain of the British suffragists desire, which admits its unfitness to legislate upon some of the greatest questions of government? What would be thought if either of the great political parties in the United States should proclaim, "We do not propose to interfere with the army and the navy, or the tariff or the currency?" Can anything more grotesque than such an electorate be imagined?

However, with or without the negro question, the eleven seceding States will never submit to any interference by the Federal Government with their electorates, or permit the creation of a Federal electorate among them. These eleven seceding States can, of themselves, with two other States, defeat the amendment. But there are five contiguous States—Maryland, West Virginia, Tennessee, Kentucky, and Missouri—which have large negro populations, and these States would no more allow negro men and women a share in their government than the seceding States would, and would be lined up against the suffrage amendment, making sixteen States certain to reject it. The solidarity of the alien races will always make their vote a menace, and it was this, among other causes, that doomed the Federal electorate created by the fourteenth and fifteenth amendments. Under the proposed suffrage amendment the negro and Chinese and Japanese women would soon be organized so as to hold the balance of power in their States, as the Mormon women really hold the balance of power in Utah, Colorado, and Idaho. The three Pacific coast States—California, Oregon, and Washington—have a race problem on their hands more acute even than Southern States have in the negro problem. The admission of Chinese and Japanese women to the polls would not only fearfully complicate the race problem, but would create terrible embroilments for the Federal Government. Those States have already passed laws which the Japanese claim to be infractions of treaties, and of the sixth article of the Constitution, forbidding the States to pass laws contravening treaty rights. The present Administration made protests to California which were undoubtedly known in advance to be unavailing, but the Administration was able to shield itself behind the autonomy of the States. It will be recalled that at the time of the passage of the Geary Exclusion Act the people of California were a unit in declaring that,

whether the act were passed or not, the Chinese should not enter California. The threat of war made no impression on the Pacific coast States then, any more than it does now, for history shows that men will not only disregard the statute law when it conflicts with the natural law, but that they will always prefer war to giving up what they think is necessary for their existence. Where there is a controversy between the American Government and a foreign power over a race problem, the State governments are a buffer between the nations. If this suffrage amendment could pass, this buffer would be taken away, and the United States would have to deal directly with China and Japan in this question of admitting the women of those races to citizenship and excluding the men, and no one can foresee the end. These three Pacific coast States already have suffrage, which was forced upon them by the Socialists, without consulting the women of these States through a referendum, and in the case of Washington and California, actually by a minority of the voters. These three States, when called upon to choose between giving a complimentary vote to suffrage, which they already have, and admitting Chinese and Japanese women to the polls, where they might be relied upon to vote for the admission of their countrymen, would certainly go into the same column as the seceding and border States. This would make nineteen States that would undoubtedly throw out the suffrage amendment with its independent Federal electorate.

The representatives in Congress of these three Pacific coast States would be placed in a singular predicament. If they voted against the suffrage amendment the National Woman Suffrage Association has promised to defeat them in their States; while if they voted for the enfranchisement of Chinese and Japanese women, their constituents would make of them a Roman holiday. It may, however, be stated with safety that there is no more chance of these States surrendering their autonomy to the Federal Government for something they already have than the Southern States would walk back into the Gehenna from which they have once escaped, in order to acquire suffrage when they can have it at any moment they wish to create a little Gehenna of their own.

Then there are the weaker States, such as Delaware, Rhode Island, Nevada, and Oklahoma. There, indeed, the

Federal Government, so unequal to coercing a strong State, would have a fearful power. If these States ever consented to sell their birthright for a mess of suffrage pottage, which they may have at any time they choose, they would be absolutely at the mercy of the party in power in all Federal elections. A couple of regiments in any one of those States could steal its electoral vote, send any man or woman to Congress desired by the Federal administration, and treat the State as a conquered province. It is not to be supposed that the legislatures of these States would be so ignorant as not to know that this proposed suffrage amendment would be surrendering the autonomy of the State, at one stroke, to the Federal Government. Therefore, these States may be placed in line with those which would laugh the suffrage amendment out of court.

Again, powerful States like New York, Pennsylvania, and Massachusetts, with large foreign populations, would be most unlikely to invite the convulsions and disasters of a Federal electorate with a high percentage of foreign women quite independent of State control. It must not be forgotten that the legislatures of these great States will not be so trustful and altruistic as the ladies who advocate this suffrage amendment, but will go to work in a perfectly cold-blooded way, without considering the advantages of the pure milk, etc., promised by the suffragists, and will not commit political *hara-kiri* even to oblige the Congressional Committee and the Congressional Union of the National Woman Suffrage Association.

Although there does not seem to be any reason why any State should adopt so destructive a principle as the proposed amendment embodies, and which is entirely unnecessary if suffrage be the object in view, yet it is quite possible that the three suffrage States dominated by the Mormon Church might, through the Mormon power, and for Mormon reasons, vote for the amendment (if they have a chance). The latest figures give the acknowledged Mormon population of Utah as 56 per cent., although it is probably much greater, while in Colorado, with a Mormon population of 19 per cent. and Idaho with 25 per cent., the Mormon voters hold the balance of power, and exercise that power. The Mormon Church has ever been the best friend of suffrage and the steady enemy of the Federal Government. Polygamy, which is prohibited by no less than three

Federal statutes, is not only a practice among the Mormons, but is a tenet of the Mormon religion. In this it goes much further than Mohammedanism. The Prophet permitted his followers to have four wives, but the Mormon creed inculcates polygamy as a religious duty, and every Mormon man and woman is compelled by his or her conscience to believe in polygamy and practise it as far as he or she can. It is true that Congress forced Utah to incorporate an anti-polygamy clause in its constitution, before admitting the State into the Union. This clause was cheerfully indorsed by the Mormons, but with how much good faith may be imagined by the long list of open and confessed polygamists sent to Congress by Utah. As a matter of fact, no man has ever been sent to either House of Congress who was unfriendly to the Mormon Church. And why should Utah, with 56 per cent. openly Mormon, ever send a Gentile to Congress?

The religious aspect of polygamy makes Mormonism a danger to the State, and differentiates those who have been born or reared in polygamy from those who have been born and reared to regard it as a civil and religious crime. Suffrage has not only conspicuously failed to check polygamy, but it is the general consensus of opinion that Mormonism has gained, rather than lost strength, since the adoption of woman suffrage by Utah in 1896. One thing is certain, if woman suffrage had not sustained Mormonism, suffrage would have been abolished long ago in Utah, with 56 per cent. openly Mormon. A good indication that Mormonism is not weak under woman suffrage is shown by divorce statistics. Although in the divorce belt and surrounded by suffrage States, which head the list in divorce, statistics show that Utah is the nineteenth State in its proportion of divorces, because Mormons do not divorce. Concerning the prospects of the proposed amendment in these three suffrage States, where the Mormons hold the balance of power, nothing can be predicted, except that whatever could be done would be for the benefit of the Mormon Church.

THE OPPOSITION TO THE PAYMENT OF THE INCOME TAX

The second mistake made by the suffragists in the campaign of 1914 concerns the income tax. In an official statement issued by the Congressional Union of the National Woman Suffrage Association from its headquarters in

Washington, dated December 30, 1913, while not advising militant resistance to payment of the income tax, it indorses resistance, and gives the following reason: "It is an accepted principle of all free governments that taxation without representation is tyranny."

It is, however, known to all students of the American Government that "taxation without representation is tyranny" is not, and never was, a principle of government, any more than the glittering generality that "governments derive their just powers from the consent of the governed." This statement about taxation and representation was a mere oratorical phrase of James Otis, and was used as a catch-word at the beginning of the Revolution. A principle, exactly contrary to this catch-word, was adopted at the organization of the Government of the United States and has remained in full force ever since as a basic principle. This is, that votes and taxes have no essential relation. This principle differentiated the American Government at the time from all existing governments, and was in effect a new departure. In monarchical countries, where property votes, there is a direct, though not an essential relation between votes and taxes. But this is gradually disappearing, and never had any existence in the United States. For, from the beginning, large numbers of persons were taxed who were not permitted to vote, and large numbers of persons voted, and even administered the Government, who were not taxed, because they had nothing taxable. A man may be President of the United States who does not pay a penny in taxes except the head tax at the time of registration, and which is intended to pay the expenses of the election, and is levied only on registered voters. And a person who pays taxes on millions of dollars may be denied a vote. In every way this divorce between votes and taxes is obvious in both the State and Federal governments. There is no property qualification required in any Federal election, and the property qualifications in the States are merely nominal, in some States being as low as \$2.50. It may be noted that whenever the suffragists try to sustain this position they are compelled to resort to instances in monarchical governments, as nothing in the American Government sustains it, but, on the contrary, evidence flatly contradicts it. In the very statement issued by the Congressional Committee of the National Woman Suffrage Associa-

tion, on the subject of resisting the income tax, the precedents given are, the advice of Mr. Lloyd-George, the Socialist Chancellor of the Exchequer of Great Britain, and the refusal of certain Welsh dissenting churches to contribute to the support of the Anglican Church. But the American Government is not socialistic, and is not administered by Socialists, and there is no State Church in the United States. So these examples readily show the weakness of the position that the payment of taxes entitles one to representation, and the exclusion from voting entitles one to exemption from taxation.

A very slight examination will show the fallacy of the taxation-without-representation-is-tyranny notion. If only those voted who paid taxes, very few women would vote. There are no official figures to show the proportion of women taxpayers to men taxpayers, but tax experts have estimated that there are not more than 350,000 independent women taxpayers in the United States. This, of course, is exclusive of the large amount of property assessed in the names of married women whose husbands pay the taxes. The income-tax figures seem to bear out the estimate of about 350,000 women who actually pay their own taxes. From this estimate must be deducted a large percentage of women who, although actually paying taxes, are for various reasons, such as nonage, etc., ineligible to vote. Therefore, if it be "an accepted principle of all free governments that taxation without representation is tyranny," the Rev. Anna Howard Shaw's 24,000,000 women in buckram would shrink to about 300,000 who are entitled to a vote because they pay taxes. If being deprived of a vote exempted from taxation, then the entire population of the District of Columbia, 353,299 souls, could claim exemption from taxation, because they are denied a vote. The entire army, navy, and marine corps of the United States, amounting in round numbers to 150,000 men, would be exempt, as they are practically disfranchised by difficulty of acquiring residence, etc., and they are even precluded by Section 1763, Revised Statutes of the United States, from having any share in the administration of the Government for which they may be called upon to lay down their lives. All convicts would be exempt from taxation because convicts lose their civil rights. The multitude of aliens who pay taxes, but who are not allowed to vote, would also

be exempt. But this would be merely the beginning of exemptions. All that anybody would have to do in order to escape taxation would be to go to the nearest foreign consular office and forswear his or her allegiance to the Government of the United States and become an alien—for there is no law in any statute-book in the world prohibiting a man from choosing his own citizenship or subjectship. In short, if it is “an accepted principle of all free governments that taxation without representation is tyranny,” nobody need pay taxes who does not want to pay taxes, and the public income would cease.

There is, however, a new and startling principle which is rapidly developing concerning votes and taxes. This is, a disposition to make women pay for their immunities. Men not only pay nearly all the money taxes, but they pay a service tax from which women are of necessity exempt. According to press despatches, the Russian Douma is considering the levy in Finland, where women vote, of a special tax, amounting to about three million dollars in American money, upon the ground that, although Finland pays no more money or service taxes to the government than any other province in the empire, it has more votes, and therefore should pay for the privilege. In the New York Assembly a bill was introduced in 1913 providing that women who voted should lose their dower, as in the suffrage States, and should have no alimony in divorces. This is strictly in line with the equal rights demanded by the suffragists, and more will be heard of it in the future.

Along with the unique “principle of government” advocated by the suffragists there is an equally unique and very striking feature of opposition among women to suffrage. The organized suffragists amount to about 8 per cent. of the whole body of women in this country. The remaining 92 per cent. are either indifferent or opposed to suffrage. But never before in the history of suffrage have those whose enfranchisement is proposed been indifferent to suffrage, or dreamed of opposing it. The negroes, although totally illiterate and unfit for suffrage at the time of their enfranchisement, hailed it with joy. There is no instance on record of any body of men refusing the ballot, much less fighting against it. But from the time that suffrage was first proposed to women there has been general indifference to it among women, and active hostility to it

among many women. At the present time there are in seventeen non-suffrage States associations of women organized to oppose suffrage, and in several suffrage States there are organizations of women to secure the repeal of suffrage. It is noteworthy that in none of the suffrage States has there been a referendum to the women of those States. The suffragists have steadily, vigorously, and violently fought referendums. Even when the Massachusetts Legislature passed the bill providing for a referendum to the women of the State in 1895, the suffragists not only attacked the bill, but after it had been passed urged the Governor to veto it. In this, the only referendum held so far, the suffragists polled only 22,204 votes out of an estimated total of 575,000 women of voting age in Massachusetts. The suffragists have tried, in many ways, to account for this result, one reason given being that the measure did not carry full suffrage. But in no case have the suffragists fought even limited suffrage. As a matter of fact, they worked hard in Massachusetts, spent much money, predicted victory in their official organ, *The Woman's Journal*, and got 22,204 votes from the women of Massachusetts. Naturally, ever since then, the suffragists have had the same objection to referendums that Falstaff had to security: "I would as lief he put ratsbane in my mouth." At the suffrage hearing before the New York Assembly in March, 1912, a statement was read by Mrs. E. Palmer Gavit, saying that from "personal investigation" she was prepared to say that the women of New York were "overwhelmingly in favor of suffrage." Mrs. Gavit was immediately followed by Mrs. Harriet Stanton Blatch, who argued fiercely against a referendum. There is a tragic absence of humor in the suffrage body.

The reason given by the suffragists against a referendum is that women would be coerced or persuaded by men into defeating suffrage. That is to say, women are fully qualified to vote on all subjects except as to whether they shall or shall not vote, and this, according to the suffragists, is the question most vital to women. This reasoning is enough to make a graven image smile. If the proposition were submitted to the late Professor Aristotle as he paced the groves of Parnassus, his laughter would echo down the corridors of time. But even if it were true that women wanted the ballot and were afraid to take it when it is offered them,

how easily this difficulty could be overcome by the use of the Australian ballot in referendums!

It may be asked, if women are too timid and too ignorant to secure the alleged enormous benefits of suffrage when offered to them without money and without price, would such an ignorant and timid electorate be of any benefit to any country? Would it not rather be a detriment? May it not be that women, as a sex, see the disadvantages and burdens of the ballot for themselves and the country, and refuse it on intelligent grounds? All of the women who oppose suffrage are not wholly stupid or uninformed. The fact is that suffrage, like most things, has its price to women as to men. Miss Jane Addams said in *The Ladies' Home Journal* in 1910 that "suffrage is a simple thing—merely putting a piece of paper in a ballot-box." In a statement made by Miss Addams before the House Judiciary Committee of the Sixty-second Congress, on March 13, 1912 (Serial No. 2, page 8), she said, "The franchise is only a little bit of mechanism which enables the voter to say how much money shall be appropriated from the taxes, of which women pay so large a part." Imagination stands aghast at this conception of the franchise on the part of the Vice-President of the National Woman Suffrage Association. Students of suffrage agree that it is one of the most complex, far-reaching, and abstruse things on this planet, dealing with stupendous matters other than taxes, differing in every country, with strange powers of self-adjustment, governed by laws as mysterious as they are inflexible, following the natural rather than the statute law, touching every relation of life, and demanding its price always from both men and women. A wonderful example of the tremendous and complicated nature of what Miss Addams calls "a little bit of mechanism which enables a voter to say how much money shall be appropriated for taxes," may be found in Miss Addams's own State of Illinois. At the suffrage hearing before the House Judiciary Committee of the Sixty-second Congress, on March 13, 1912 (Serial No. 2, page 79), the following colloquy took place between Miss Jane Addams and Mr. Littleton and Mr. Davis of the Committee:

MR. LITTLETON. Cannot the Legislature of Illinois grant women suffrage?

MISS ADDAMS. No; they have not that power. . . .

MR. DAVIS. They have no power to organize and submit a Constitutional amendment?

MISS ADDAMS. They have to do it through a Constitutional convention. They cannot do it by legislative enactment.

Nevertheless, the Illinois Legislature at the earnest solicitation of the suffragists passed a woman suffrage bill in 1913. The legislators took care to pass this bill in a form which the Attorney-General of Illinois warned them was unconstitutional, and they had full knowledge that only a few months before, in a preferential election in Chicago, woman suffrage had been defeated by more than two to one. The Governor signed the bill, and under it women in Illinois have registered to vote. Another illegality has occurred, in the almost universal falsification of the age given by the women who have registered to vote. Any and every one of these voters may be challenged at the polls. Meanwhile, the validity of the law is being attacked in the courts, and to add to the general confusion a call for a Constitutional convention is before the Illinois Legislature, and such a convention may repeal the suffrage bill and so complicate matters indefinitely. Thus, by the inexperience and inexpertness of the suffrage leaders, the "little bit of mechanism" may jeopardize the whole vote of Illinois, which polled at the Presidential election of 1912 1,146,193 votes. In the event of a close contest in the Congressional election of 1914, there are vast possibilities of trouble in Illinois, due to what the Vice-President of the National Woman Suffrage Association calls "a little bit of mechanism." These are some of the difficulties the States have to deal with in adopting suffrage of their own initiative, but these are airy trifles compared with the method advocated by the suffragists in the proposed impracticable Federal amendment. There is, however, no more chance that the States will pay with their fundamental liberties for suffrage than the Sultan of Zanzibar will trade his throne for a steam-heating plant. And as for the income tax, a ruthless Government will continue to exact it, just as if Mr. James Otis had never lived and sung and died.

MOLLY ELLIOT SEAWELL.

OUR NATIONAL FENCES

BY HUNTINGTON WILSON

WHEN a chemist has a problem to solve he must be secure in his laboratory from outside interruption, and he must know what he is putting into his test-tube. If the American nation is to solve the problem of making its national and individual life worthy and satisfactory, it should first safeguard itself from outside interruption. This is to be done by adequate national defenses, by an enlightened diplomacy, by a politic attitude toward foreigners, and by sagacity in its external relations. It should find out scientifically who is here and who is coming here. We should know what we are putting into this country as the world's great racial test-tube. As a race we shall reap what we have sown. Our farmers are advised to have care in the selection of seeds and to cultivate the soil with diligence. Our greatest enterprise is the growing of a good nation. If this enterprise fail, what matter all the others? Is it not then urgent that we fence the field of which a nation is the crop; that by careful immigration regulation we select the seed, and then cultivate it with a little more ethical education and a little more conscientious press?

Any one consciously interested in the national defense and in American diplomacy may dismiss both with the remark that it is a public fact that the one has been the object of almost criminal neglect, while the other has at times been left exposed to be driven a zigzag course by political partisans unschooled in the statesmanship of world politics. The same is true in regard to our geographically external relations in contradistinction to our diplomatic relations. In Panama and the Philippines have been patiently built monuments to American genius as it works when undisturbed by competition, partisanship, and jealousies; but we now hear, for instance, of brusque changes of Philippine policy against

the mature judgment of the architects of the honorable régime in those islands. One might expect that the very indifference of the public to our diplomatic and external concerns would keep them in a steady course, at least one class of national interests unaffected by the gyrations of domestic politics. But we are not permitted to enjoy any such advantage.

As to relations with foreigners, we have still neglected to provide for the enforcement of their rights and for the redress of their grievances in cases arising through acts of different States of the Union in violation of treaties or of international law. More than this, when a State legislature decides to pass laws affecting foreigners, even when the aim of such laws is quite legitimate, there is often a fatal tendency to adopt the most offensive method. Indeed, in immigration legislation, even the Congress has not been free from the same tendency.

If we consider the perennial question of Oriental immigration and the allied question of land ownership on a large scale by foreigners who do not readily assimilate with this nation, but tend as groups to become *imperia in imperio*, we shall find these questions to be general ones whose solution rests upon broad and sound principles, and need not impinge upon the honor or even the vanity of any particular race. And yet how difficult have we made these questions!

It became necessary to exclude Chinese labor. Our early treaties with China (1844 and 1858) are silent on immigration. Our treaty of 1868 light-heartedly proclaims "the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, for trade, or as permanent residents." This doubtful generalization seems to obscure the truth that a man's right to leave his own house does not carry with it the right to enter his neighbor's house. The treaty goes on to make provision against forced emigration, evidently to prevent an inhuman coolie traffic. It is a pity it could not have done this without a generalization which was sure to return to plague us and to help cast doubt upon the fundamental right of a nation to say who shall and who shall not come within its borders. The same treaty provided for favored-nation treatment in respect to travel or residence

for the benefit of Chinese visiting or residing in the United States. But it gave no clear right of entry, unless the right to be justly treated, once within a neighbor's house, carries the right to enter it.

A few years after the adoption of this treaty of 1868 there grew up agitation against Chinese labor immigration on the Pacific coast, with resulting attempts at State legislation. Other results were a national commission, a drastic bill vetoed by President Hayes in 1877, and finally the immigration treaty of 1880. By this treaty there was stipulated for the Government of the United States the right reasonably to regulate, limit, or suspend, but not absolutely to *prohibit*, the coming or residence of Chinese laborers. It was especially stipulated that Chinese teachers, students, merchants, and others should not be affected. A foot-note to the treaty of 1880, as officially printed in 1913, says, "Amended by various provisions of law *prohibiting* the admission of Chinese laborers to the United States." The reference is to the eight or ten acts between 1882 and 1904, which have kept continuously in force the prohibition in question. The act of 1882 entirely prohibited for ten years Chinese labor immigration. In 1888, under President Cleveland, a law was passed making the prohibition absolute. Thus for twelve years (1882-1894) our legislation was increasingly doing, as a unilateral act, more than the treaty proposed, and had consequently wounded Chinese susceptibilities. Because it made exclusion absolute in terms, it was claimed even to violate the treaty itself. If so, it is the same to-day. Added to this, the laws and regulations required Chinese scholars, merchants, and others of the admitted classes (to whom the treaty guaranteed favored-nation treatment) to bring certificates from the governments of their residence, whether in or outside China. The "sand lot" demonstrations and other serious trouble on the Pacific coast in opposition to the presence of Chinese labor, occurring at intervals for many years, had been the excuse for this increasingly drastic legislation, and there was finally adopted the Convention of 1894. Thereby the two Governments agreed upon the absolute exclusion of Chinese laborers for ten years, and in some other respects brought their treaty relations more nearly into accord with American legislation. China denounced the convention in 1904. The irritating course of the whole matter, coupled with a tactless adminis-

tration of the immigration laws, had aroused ill-feeling, which broke in a storm of protest and actually threatened a serious boycott of the exports of the United States, the first Western Power which had built up a great commerce and carrying trade to the Chinese Empire.

This history is a clear example of how a legitimate end, like the exclusion of Chinese labor on economic grounds, may be attained by quite unnecessarily offensive methods. It is an example, too, of the bad habit, peculiar to ourselves, of "amending" treaties by legislation. This official misuse of the word "amend" is all too significant. A treaty cannot be amended by unilateral action any more than a contract can be changed at the will of one party. It requires diplomatic agreement to amend a treaty and a Federal law inconsistent with a treaty at best simply breaks the treaty—violates it *pro tanto*. However our subsequent legislation inconsistent with a treaty may disturb the treaty's force in our own country, it relieves us not at all of our international contract. To give our treaties proper dignity we should never try to "amend" them by legislation. We should rather avoid rash and sweeping treaty commitments; should make our treaties terminable on short notice; and if we do not like them, we should make the best of it until we can get rid of them in a manner honorable and considerate of other nations.

Again, when the excessive immigration of low-wage Japanese labor gave rise to a serious problem, we had inconsiderate agitation and grave danger of quite unnecessarily harsh legislation, both State and National, and the diplomatic situation was only saved by the adroitness of the Executive in consummating the "gentlemen's agreement" whereby the Japanese Government voluntarily put a stop to the emigration of laborers to America. As usual, the American Government had been somewhat embarrassed by the thoughtlessly broad stereotyped provisions of older treaties. In negotiating the new treaty of 1911 with Japan, Mr. Knox, by a brilliant stroke, definitively solved the Japanese labor immigration question by conventional perpetration of the "gentlemen's agreement." This issue was happy, but it is appalling to consider the blows that might have been dealt the ancient friendship between America and Japan if it had been left to the tender mercies of American legislation.

It is now stated in the newspapers that the present Administration is confronted by the problem of an excessive Hindu immigration. Because of the low scale of wages of the Hindu laborer, this, like Chinese and Japanese labor immigration, and, indeed, quite likely labor immigration from certain parts of Europe, is against American public policy because tending to disturb the wage scale and the economic conditions in this country. Therefore, its exclusion should be squarely placed upon economic grounds. It is not the concern of the United States if the wage scale is low in a particular part of the world. This Government has quite enough to do to safeguard the economic welfare of its own citizens. Economic considerations are wholly impersonal and cannot by the wildest stretch of the imagination impugn the honor, the dignity, or the justifiable susceptibilities of any self-respecting people, even if an occasional Japanese agitator may so far forget his real dignity as to ignore this plain fact. We cannot maintain the wage scale of American labor and admit particularly cheap foreign labor any more than one can maintain two connected reservoirs at different levels. It is physically and economically impossible.

The immigration to the United States which should be cut down is that of (a) low-wage labor, which is economically detrimental; (b) races which tend to live apart in groups and are not easily assimilable to the American nation in blood, traditions, sympathies, and ideals; (c) those of whatever race who are defective or who, even if they appear normal themselves, are the seed of multiplying numbers of defective children, to become through disease and crime a heavy public charge and a widely vitiating strain in the nation.

Confronted for years and years by this great vital immigration question, we are seemingly on the eve of adopting the literacy test, while continuing to tackle with a prayerful opportunism each special question like that of the Hindus. Even the friends of the literacy test seem to support it without conviction, and merely because it is perhaps the only exclusive law that there is a chance of passing. How can the literacy test possibly achieve any of the desired sifting of the seed of the future American nation? A criminal who can read is more efficiently criminal. The stalwart peasant of healthy mind and body, waiting to be awakened by the

free opportunity and education of America, the potential father of a vigorous strain, is left standing in his field. Should we discriminate in favor of those who read, including the cunning, the half-educated, the vicious of foreign cities?

Before adopting the literacy test, which solves nothing, should we not pause and consider whether there cannot be devised an economic test, a test of assimilability, a test to shut out future defectives? An economic test will solve such questions as that of Hindu labor. It happens to be a fact that those races which receive the highest wages are those which are generally the most assimilable and otherwise acceptable as potential American citizens. The economic test would also be efficient from the eugenical viewpoint in that, in a given country, a defective would be unlikely to be receiving the highest wage scale of his fellow-countrymen. We should take advantage of this natural law.

A sinister impression of the urgency of immigration restriction is made by the manifest indisposition of legislator and press fearlessly and scientifically to tackle this great question. It is not a party question; it is a national one. But it is hard to take it out of the politics of the individual legislator. He is afraid of the question. This is wrong, for the national interest requires nothing that any one need be ashamed of or that any American with a pretense of patriotism could defensibly oppose. The chances of an ultimate scientific solution would be better if there were appointed a non-partisan commission, including economists, sociologists, biologists, ethnologists, of the highest standing and patriotic purpose, representatives of the more important races among our citizenship, and authorities on legislation and administration, to give thorough study to this problem and to the concatenated one of the distribution of immigrants once arrived here, and then to draft a bill or bills.

Surely ingenuity can devise a good mode of sifting, whether by the economic test or otherwise. The nation has the right to insist that its immigrants shall hereafter be at least up to the mental, moral, and physical average of the dominions from which they come. It should draw them, too, chiefly from the peoples best assimilable to itself. Any sifting to be effective must be undertaken by our officials in the country of origin, and to make this practicable it might

be necessary arbitrarily to fix the number of immigrants per year at some such figure as three hundred thousand (approximately the average net annual increase of foreign born, 1900-1910, corresponding to immigration minus numbers returned home). The total to be admitted per year could perhaps be allotted in quotas to different countries in a proportion based upon previous censuses and calculated to insure a sufficient homogeneity and preservation of national type.

In the hope of stimulating efforts to devise an economic test instead of the manifestly unsatisfactory literacy test, there has been introduced in Congress a bill providing that

no alien who is dependent for his support upon his own manual labor shall be admitted to the United States until he has so supported himself in his own country for at least one year and at a wage, paid him only in compensation for such manual labor and under bona fide arrangement, within thirty per centum of the average scale of wages prevailing in the United States for similar labor, for one year prior to the time of his emigration, and unless he be an alien who is by law otherwise admissible into the United States.

The bill also provides that the percentage of the wage scale of the United States may be adjusted from time to time to suit conditions. It, of course, transfers the main work of examining intended immigrants for the United States to the countries of their origin. This is not only necessary to efficiency, but has the advantage of saving endless trouble and inconvenience to foreign laborers, twenty thousand of whom were sent back on their arrival last year, according to a statement of the Secretary of Labor as reported in the press. In order to make possible the prevention of illegal immigration, which is so difficult on account particularly of our long Canadian and Mexican frontiers, it is provided that foreign laborers shall be supplied certificates attesting the legality of their admission. No one who consults statistics can fail to be appalled at the accelerated rate of increase in the number of defectives. With the view that the planting of a nation should not ignore ascertained scientific facts any more than intelligent agriculture should do so, there is included this stipulation:

No such alien shall be admitted to the United States if either of his parents shall have been a habitual drunkard, or engaged in the traffic of prostitution, or convicted or imprisoned for a crime involving moral turpitude or shall have been a public charge through any inheritable moral, mental, or physical defect.

It will be recalled that two or three years ago there was included in an immigration bill before Congress a provision that this Government should require certificates of character in the case of immigrants from countries whose governments issued them. This stipulation was abandoned because it was claimed that it might be used to inflict injustice upon certain immigrants liable to persecution in their own country. Whether or not this point be well taken, it would seem somewhat absurd that, while ostensibly seeking to exclude criminals, the Government of the United States should deny itself the advantage of official information upon the character of foreign immigrants when such is forthcoming. The following provision of the new bill appears to make available the certificate of character while amply safeguarding every interest of any race thought to be subject to persecution in its own land:

In the case of such intending immigrants from countries the governments of which issue certificates of character or other such evidence of personal status or history, the United States immigration officials shall require such certificates whenever in their judgment they will facilitate determination of the question of admissibility; *Provided*, however, that such certificates shall not be required when it appears to the satisfaction of such officials that to require them would embarrass the applicant because of political, religious, or racial considerations.

Charity begins at home. The welfare of the ninety millions of people now here is the paramount obligation of the State, and it is high time that the idea that the United States of America is a free haven for indiscriminate immigration, whatever its effect on the nation, should be regarded as played out. The quality and economic situation of the nation is vitally important to American citizens. It is equally so to foreigners already here to become citizens and to worthy foreigners, for great numbers of whom there is room, who may come and desire hereafter to be citizens. It is even entirely in the interest of foreigners who come here to work and return to their native lands, because without laws to maintain good economic and social conditions in the United States the country cannot remain attractive and profitable as either a permanent home or a temporary residence.

If the doubtless very imperfect provisions of this rough draft of an immigration bill can serve the purpose of calling attention to the futility of the proposed literacy test, and can stimulate a broader and more scientific study of the

huge problem of immigration so vital to the national welfare, they will have served a good purpose. The drift of legislation on such great subjects surely makes poignant the need of a scientific Federal legislative reference bureau. The whole course of our policy in immigration, as in so many other matters, emphasizes also our need of less detailed legislation and more scientific administration.

Turning from the subject of immigration, we find in the question of land-ownership by foreigners not easily assimilable, notably the Japanese in California and other States, fresh examples of our tendency to take the troublous course of usually tactless if not almost insulting legislation, rather than the smoother course of broad, general law with administrative flexibility to meet without offense cases as they arise.

The situation in California seems to have been this: Considerable numbers of thrifty Japanese were taking up agricultural lands, were dealing only with their own storekeepers, and were holding themselves aloof from the body of the community. Owing to their superior thrift their competition was felt. Their presence in such greatly increasing numbers as groups in, but not of, the community, was resented. California then proposed to pass a law bluntly prohibiting Japanese from acquiring further lands in the State. There has been agitation for such legislation from time to time in the past few years, and the mitigation of its tone has often been the object of representations to the government of California by the Federal Government. The result has been the passing of a law which among other things excludes Japanese from further acquisition of land-ownership, not by name, but as foreigners not eligible for naturalization. The improved tone of the legislation, thus made slightly more general as actually passed, seems to have failed fully to appease Japanese susceptibilities, if one may judge by the press reports indicating that negotiations are still pending between Tokio and Washington. An examination of existing treaties and their context carries conviction that no Japanese treaty right has been violated by the prohibition to acquire land. And inasmuch as, if the California law was in any respect in conflict with the treaty, the law would be voidable by the Federal courts, it must be the more regretted by enlightened Japanese opinion that agitators in Tokio have been making,

according to telegrams to the press, a to-do not only rather undignified and ridiculous, but also very regrettable because of its insidious effect upon public opinion in a country bound to the United States by such strong traditions of past service rendered it. Nevertheless, it would have been worth while to make the California legislation so general as not to ruffle even hyper-sensitive susceptibilities.

Since this same question is cropping up in several States, and may come up in respect to other nationalities as well, it would seem desirable to find a formula whereby States could deal with it with less controversy, even if this should happen to necessitate the sufficiently facile step of State constitutional amendment. For example, it might perhaps be provided that no foreigner should acquire ownership of a parcel of land in the State or in a particular locality within the State unless the Governor, after hearing the parties, should in his discretion find that such acquisition of land was not detrimental to economic or social conditions in the State or locality affected, and should thereupon issue over his hand and seal a certificate of permission for the foreign applicant to acquire the land desired. It will be remembered that by the laws of a considerable number of the States of the Union foreigners may not now unrestrictedly acquire ownership of land; and foreigners in Japan, for example, are not permitted to own real estate in fee simple, although they may have leases. The suggested method would seem fairly free from difficulty. It does not affect the enjoyment by foreigners of equal protection with citizens in the rights they have, and the right to acquire land seems to belong in a class of rights as to which there is no reason why a government should by treaty give foreigners national treatment, which carries all rights, except those inherent only in citizenship, exactly equal to those of citizens, whether rights of substantive or of adjective law.

If the continued ownership or lease¹ of particular lands already held by foreigners should at any time be deemed seriously detrimental to economic or social conditions in a given locality, the termination of such holdings might possibly present some difficulties; but quite probably there could be found an analogous administrative method of treating under a general law an occasional individual case through condemnation proceedings and full compensation to the owners. Why should not the right of eminent domain, ordi-

narly exercised in respect to real-estate interests on grounds of topographical convenience, be exercised for the benefit of the still more important broad, economic, and social interests of a community? Even under a law applicable to all persons such an exercise of eminent domain would rarely, if ever, affect citizens, and, reasonably administered under the scrutiny of the courts, it should seldom be exercised in the case of foreign holdings.

It seems quite possible that there could be devised some such formula as that above roughly outlined which would permit each State to deal as a matter of administration with specific cases of land-ownership by foreigners, would do away with all semblance of wholesale discrimination, would really safeguard the rightful interests of our communities, and would spare the country the manufacture of many rumors of international incidents. To it there may be opposed our ancient prejudice against the bestowal of great administrative powers upon our officials. But the day of too detailed legislation and inadequate administration seems to be passing, as witness, for example, the tremendous powers given the Interstate Commerce Commission. And it must pass if we are to progress. The work of our half-hundred legislatures has not inspired general admiration. It would be disheartening, indeed, if we admitted such a standard of citizenship that we were afraid we could not find the relatively fewer administrators in whose honesty and efficiency we should be willing to repose the heavier individual trust.

Undoubtedly the State governments, like the Federal Government, desire to do justice to foreigners. If they will make greater effort to think nationally as well as locally, and to take intelligent action in these matters affecting foreigners in the least, instead of the most offensive, form, they will perform a patriotic duty to the nation by helping to safeguard it in the great fringe of its interests—national defense, immigration, the treatment of foreigners, and external relations. They will help to make our boundaries safe in order that, secure from outside interruption, the nation may work out the vast and pressing problems of making its national and individual life worthy and satisfactory.

HUNTINGTON WILSON.

SUPER-DEMOCRACY

BY BENJAMIN IVES GILMAN

"For friendship we believe to be the greatest good of states."—Aristotle. *Politics*, II, 4. "The secret of government, let me tell you, lies in kindly feeling."—Ieyasu, in conversation, 1616.

SUPPOSE a number of persons bent on a purpose demanding effort from all. By whom shall the decisions be made which shall carry it out?

Democracy proposes that they shall be made by a majority among those of the number who possess certain qualifications for control acquiesced in by every one. It is, therefore, not just to democracy to call it a government by count of noses. It is a government by count of superior noses—a different thing, since these are a selection by grace, theoretically, of the total number concerned.

It is a weak point in democratic theory that this proposal may fail to utilize the capacity of citizens to the best advantage. As an undertaking becomes more complex the qualifications for the best management of its parts become different from those demanded for the best management of the whole. The parts would be more successfully handled by persons specially chosen than by any choice of persons based on general capacity. The question arises whether the advantage to the enterprise of this more skilful handling of its parts, or spheres, each by itself, may not be greater than the advantage of their combined control from one source. This question may present itself in two forms. A given sphere in the enterprise may concern only part of the citizenship. Or, concerning them all, it may concern them independently of the rest of the enterprise; that is, no decision in that sphere may prevent any decision as to other affairs, and *vice versa*.

Answering either form of the question in the affirmative, the constitution of a democracy would divide the ultimate

control of the State. In the first case, the voting class for the sphere in question will be formed from the citizens concerned only. In the second case, it will be formed from the whole citizenship, but by applying different tests. In either case, instead of one voting class, or sovereign people, there will be two, or it may be more, voting classes, or sovereign peoples, each exercising sovereignty within limits laid down in the constitution. A *plures* of voting classes will be formed out of the *unum* which pursues the common end.

The political scheme thus developed is two degrees removed from a government by count of noses. The first step, to one governing electorate, forms a democracy. The second, to several such electorates, forms what may be called a super-democracy. Super-democracy is multiple popular sovereignty. Of its two forms, the first, which provides for the separate control of matters touching some only of the citizenship, may be called federal super-democracy; the second, which provides for the separate control of matters touching all, but in independent ways, may be called internal super-democracy.

Federal super-democracy, foreshadowed in many alliances between independent states in Europe from Greek times, was signally illustrated in the structure of the American Union. In their own affairs the electorates of the individual States are sovereign; in certain specified affairs of general moment, the combined electorates of all, or the voting citizenship of the United States.

Internal super-democracy contemplates a closer union of authorities. The sovereigns sit side by side, ruling the same people by different rights. The classical instance is the alliance of spiritual and temporal power. Suppose a community of persons united in the pursuit of the common weal in both affairs of the soul and affairs of the body. Such a community may intrust the ultimate control of the two to one authority, the State becoming a Church State, and the Church a State Church. This condition has been approximately illustrated throughout European history. Or, ultimate control may be vested in two authorities, Church and State forming a union in the American sense, under a constitution assigning mutually exclusive limits to the two sovereignties. In Dante's vision Europe was to yield allegiance to such a dual system. The Pope and the Emperor were to be the two sources of authority, each ultimate be-

cause dealing with affairs outside the sphere of the other. Of this compound body politic, or idealized Holy Roman Empire, Dante's programme was the informal constitution, defining the qualifications of one ruler in terms of a priestly succession, and of the other in terms of an imperial line. Applied within the political sphere, and under democracy, the principle would establish various special tests giving the right to vote within special independent spheres, leaving other affairs to the already existing electorate. The right of suffrage would become several rights, individual citizens enjoying one or more, according to their varying qualifications. The State would be governed through a multiple vote, each electorate deciding for the whole population, as a team of horses is controlled through a double set of reins, each hand guiding all.

In practice, the mutually exclusive limitations of sovereignty which are the distinguishing mark of super-democracy, either federal or internal, demand perpetual definition. An essential feature of any super-democratic government is a permanent means of interpreting the universal will in this respect as it is laid down in the Constitution. Such a means is provided in the United States by the Supreme Court, which possesses a paramount judicial right—that of deciding between sovereign States by interpreting a verbal definition of their separate powers. Under internal super-democracy, each sovereign State would possess a like tribunal for the interpretation of limits of jurisdiction constitutionally established among the new union of powers within it.

The success of the federal system in the Government of the United States has had its share in developing home rule the world over. The principle concerned is not that of local self-government. It is not the delegation of power by an authority constituted with the right to resume it; but an assignment of power by a Constitution, irrevocable except through amendment by theoretical consent of the entire population. Our Union provides for local independence, within limits interpreted by a court.

An all-important application is open to federal super-democracy. In world politics federation offers the only hope of peace. To obviate a conflict of powers, either the authority of one must prevail over the rest, or limits must be assigned by all to the authority of each. The first alternative is

either repellent or ridiculous. If domination by a single race be supposed attained by force of arms, it proposes a revolting waste of most of the material of civilization. If by peaceful means, the plan is absurd in view of the enormous disproportion between the problems presented by all peoples and the capacities of any one. A federal union of powers is the only practicable issue of international affairs. The nations of the world must eventually come to an agreement regarding their territorial limits, and agree also to abide by the decision of an international supreme court, like the tribunal of The Hague, in the interpretation of their jurisdiction. Were their union restricted to these two agreements, none would yield any existing sovereignty. Each would hold, by consent of all, the right of ultimate control over certain independent means to the common end of civilization. Until in the opinion of some one this right was abused by some other, none of their energy would be devoted to mutual destruction. There will be war among men whenever any are willing to attempt what others would rather die than permit; and there ought to be war whenever any willing that others should live their way are forbidden to live their own. What is needed between nations, and what would be supplied by their federal union, is an agreement to live and let live.

Has internal super-democracy also a place in politics? It would but reapply a fundamental canon of democracy, which the federal system has already transcended. Democracy proposes that a selection from those concerned in given affairs shall control them; the federal system that no one who is not concerned shall control them. Has the democratic canon—that qualifications agreed to by all give a part the right to control all—its share also in political development? Is this a germinal principle? Should the final power of the people be specialized as well as localized?—desynthesized as well as decentralized?

Three facts of current democratic politics point toward this course.

The weak point in democratic theory has plainly shown itself in practice. Existing democracy admittedly fails to utilize the political capacity of citizens to the best advantage. Throughout our Union the voting classes are assuming direct control of government with a view to better service in public affairs. Direct primary action, direct election of

Senators, the initiative, referendum, and recall are methods chosen. Internal super-democracy would propose instead that citizens should divide the control of government with a view to a better mastery over public affairs. The great obstacle is private interest. The multiple vote would seek to call intelligence to the aid of public spirit in the fight against greed. With special spheres in charge of special capacity the political duties remaining would in turn be brought within the general capacity left in their control. At present the one electorate finds a threatening antagonist in ignorant or selfish wealth. Democracy tends toward plutocracy. Where political power is equal, riches become the sole form of superiority to which all must defer. A multiple vote, by making special capacity also a power to which all must defer, would challenge the prestige as well as the power of money.

Second, in the course of the movement for direct popular government in some of our Western States, a kind of special capacity is already liberating itself within the present single suffrage. It is reported that the burden of the initiative and referendum is so great that only those vote upon a given question who have some particular interest in it. This is in itself rough-and-ready super-democracy. The ultimate decision in these questions is given, not by the whole electorate, but by partial electorates spontaneously developed from it. Internal super-democracy would legitimize this condition; placing certain public affairs now at times *de facto* in the hands of those most interested, *de jure* in the hands accounted most competent.

, Third, one type of multiple suffrage is already widely established by law. Voters on school questions are often a different class from those controlling other matters, by the addition of women. The two sexes together are deemed more competent within this sphere than men alone. The special electorate includes the general electorate in this case; but were only married women added, as has been suggested, and single men subtracted, neither body of voters would include the other, and the multiple suffrage would be illustrated in its normal form.

Pursuing this development, the control of the defense of a State might be reserved to those able to bear arms or otherwise take part in war; control in questions affecting paid labor to employers and employed, including self-supporting

minors; control in questions of public health or of legal procedure to persons passing tests of knowledge of these subjects; control in questions of trade, finance, or agriculture to persons concerned in these pursuits. The sphere reserved to the general electorate would include the decision of those broader matters and the choice of those more conspicuous officers in which experience indicates that the wider the basis of suffrage the wiser the action. The partition of sovereignty within an internal union according to this or any other plan would be matter for a discussion supplementary to the explanation and defense of our existing Federal Union given in the *Federalist* of 1788.

A representative assembly chosen under internal super-democracy would consist of members in different standing. The groups chosen by each electorate would be comparable to the permanent committees of our present legislatures, excepting that they would be chosen to their limited office not by colleagues but the people; would deliberate in public and would legislate. The reference of questions from the whole body to one or another group would be advisory only and subject, if disputed, to the decision of a supreme court.

A compromise is possible which would look toward the multiple suffrage without actually introducing it. All persons passing a test of special fitness for the management of a certain branch of public affairs might be given one or more additional votes in this branch. These voters would tend to control it unless the rest of the electorate were interested to combine against their opinion. In so far the arrangement would illustrate a familiar maxim of business administration—"Choose subordinates well and leave them free." The general electorate of a State by amendment to its Constitution would choose plural voters for their fitness to perform special duties, and would leave them for the most part free, retaining the opportunity of fiat and veto over their acts as subordinates. Such a scheme might be introduced experimentally for a term of years; and were it to prove successful and the fiat and veto of the general electorate to prove unnecessary, full super-democracy would be its natural successor.

The establishment of a multiple suffrage promises three collateral advantages.

First, the debate over votes for women would be shifted to new ground. For the question—Shall women have the

vote?—would be substituted the question—What votes shall women have? Since the identical question would be asked concerning men, the factor of sex would disappear from the discussion, save as one element of fitness like another.

Again, a multiple suffrage would contribute to solve the problem of the undeveloped and unassimilated elements of our population: the African race in the South and alien immigration elsewhere. The political power of both being less, it would offer less danger and provoke less debate and fewer defensive measures.

A multiple suffrage would, finally, tend to lighten the burden of the individual voter, already heavy and certain to increase. The ballot grows longer from two causes. Its scope is becoming at once more direct and more extensive. Governmental control is reaching over more and more matters hitherto independently managed. Every such addition to the functions of the State transfers to ultimate decision by the ballot a sphere hitherto reserved to private choice. Socialism, never before so widely or so boldly advocated, would make the process complete so far as productive wealth is concerned. Like Frankenstein, society to-day debates whether it can curb, or whether it must destroy the monster to which it has given life, and which has never ceased to prey upon its creator. To abolish private property in all instruments of production, as Socialism proposes, would be to add to the scope of the vote a mass of affairs more multifarious even than all it now controls. The goal may never be reached, but progress toward it is certain. Some way of lessening the responsibilities of voting citizens is imperatively demanded. Internal super-democracy offers a way by proposing that they share political duty between them.

Under super-democracy government reverts to control by classes. But they are not classes like the *Etats Généraux* of European history, founded in part on birth or ecclesiastical rank. They are classes like those of our sports, formed to the satisfaction of all by ratings based on experience of the specific affairs concerned. In this contrast lies the whole distinction between aristocracy and democracy. Aristocracy forbids and democracy demands that the qualifications for authority should be capable of statement in abstract terms, and without naming individuals. Aristocracy

respects persons; democracy, qualities. Aristocracy says, "Blood will tell"; Democracy answers, "Let it, then"; the one offering credit, the other demanding cash. To respect a person is to infer merit from another in some way connected with him; to respect qualities is to find merit in himself. Aristocracy consists in wearing borrowed finery; democracy, in keeping to one's own. Aristocracy assumes; democracy tests. The initial generality of our Declaration of Independence glitters with radiance from beyond the political sphere. The words "All men are created equal" announce that righteous government does not make exceptions, but proceeds by the invariable application of rules. The doctrine of equality appears in the claim of the prophet Ezekiel that reward and punishment should follow not personality, but merit and fault; and in the reported injunction of his contemporary Lao-tze, "Do not value the man, value the man's abilities." It reappears in the classical definition of liberty as that political condition in which no person is above the law. Forbidding alike the assignment of rank or the proscription of race, it demands that every preference shall be based on fact. But to conceive that it demands that no preference be shown is a double blunder. The belief that one man is as good as another at anything is a pseudo-democracy, at once the caricature and the contradiction of the veritable doctrine of equality. It is a caricature, for the doctrine is not the absurd statement that all men are of like capacity, but the weighty principle that men seen to be of like capacity are to be treated alike. Men are to be held equal until experience proves them unequal. Not their different rating is the condemnable thing, but their vicarious rating. It is, furthermore, a contradiction, for democratic practice, far from rejecting the different rating of men, is founded upon it. Democracy begins by the selection of a voting class from among the governed by accepted tests of fitness to control. A government by classes such as super-democracy proposes is not the abandonment of democratic practice, but its rational pursuit under democratic principle.

The aim pursued is the best use of special capacity for the common weal. Democracy recognizes general capacity alone, trusting that it in turn will recognize special capacity. Super-democracy recognizes special capacity directly; not only opens a career to talent, as Napoleon is reported to

have said of the French Revolution, but insures a career to various forms of it. In so doing it provides a remedy for what is at once a defect of democracy practically manifest, and theoretically its only defect. Super-democracy is democracy perfected; political authority ideally exercised.

What are the marks of this ideal? Authority is exercised whenever one person chooses to do something because another chooses he shall. But freedom consists in doing what one chooses to do oneself. Is not any authority its denial, and ideal government a contradiction in terms? So philosophical anarchy holds, but only by overlooking plain facts. Authority is not only the power to compel, but the power to impel; not only the power to reward and punish, but the power to guide. Suppose what another chooses to have me do I would have chosen to do myself, could I have conceived the plan? If I do it, I am free, since I am doing what I now want; and I am also under authority, since I am doing it because another has chosen that I shall. The case is possible, indeed is actual in myriads of instances round the globe every day. Freedom and authority coalesce therein. A single act illustrates both. This is the ideal of the Hebrew Psalmist "And I will walk at liberty, for I seek thy commandments." It is the ideal of Dante's line, "*In la sua voluntade è nostra pace,*" and of the English ascription, "Whose service is perfect freedom." Involved in such service are two things: an aim common to governor and governed; and a belief on the part of the governed that the governor can direct the accomplishment of that aim better than the governed himself. The marks of ideal authority are two, expressible in the two words, unity and capacity. Democracy gives unity; it presupposes the consent of the governed to the aim of the government. But it does not use capacity; it fails to secure the consent of the governed to the means of the government. They do not serve the State in perfect freedom, but in part because they must. Super-democracy, by dividing ultimate power, utilizes the capacity of citizens to the best advantage, and thus secures a government by the complete consent of the governed.

According to Aristotle, happiness is the sign of inward perfection, as a glowing cheek is the sign of health. The happiness of a State, the sign of its inward perfection, is friendship between its citizens. This it is that gives the body politic the glow of health. Super-democracy alone

affords friendship a political basis; and by this sign, as well as by the perfect freedom of its service, is approved as the political ideal.

The three forms of popular government—democracy, federal super-democracy, and internal super-democracy—involve a progressive change in the feelings of individual citizens toward one another. All popular government presupposes sympathy of purpose between governors and governed. The total population is assumed to be animated by a common love of country. Further, a democracy is composed of a class of persons with equal authority and a residuum having none. Such a scheme affords ground for respect from any disfranchised person toward any enfranchised person, but no ground for respect between voters. Under federal super-democracy this condition is changed. The voters have no longer identical power. A given voter may not share the whole sphere of command possessed by a given other—to be sure by exception of matters which do not concern him. Nevertheless, a certain ground for respect between voters is inherent in the arrangement. In the United States, a Missourian possesses a sovereign power—namely, over Missouri affairs—denied a Pennsylvanian, and *vice versa*. The voters of Switzerland exercise like cantonal rights. Federal super-democracy provides at least a foothold for mutual respect. Internal super-democracy does more. Here the different authority of different voters may be exercised over one another. In general each of the different electorates would come to contain individuals not included in others. All persons so placed would find themselves governors, in one matter, of persons by whom they were governed in some other. They would have cause to feel reciprocally, not a remote respect for authority they did not share, but which also did not concern them, but, an immediate respect for authority over themselves.

These conditions are those of friendship. Friendship is based on community of aim and difference of capacity in its pursuit. The conditions are three: sameness of purpose between two persons; respect of one for some superiority of the other in its achievement; and the return of respect for some different superiority by the other. Friends are alike at heart and complements in head and hand. Helpers and not competitors, the powers of each have for the other the charm of the *ignotum* held *pro magnifico*.

Democratic theory, beside illustrating the first condition of friendship, sympathy of purpose, illustrates also, in the relation of the disfranchised to the enfranchised, the second. But under democracy the third condition of friendship—a reciprocal acknowledgment of superior capacity in the use of means toward the common end—has no political basis. The return of respect for political authority first becomes possible, in however unimpressive a way, within a union of sovereign States. Federal super-democracy alone among forms of government sows the seeds of friendship between citizens. Finally, under internal super-democracy, friendship receives a basis not only seen, but felt. Respect becomes not only reciprocal, but vital. The seeds of friendship are not only sown, but quickened into life. The necessary mutual respect of many rulers provides a permanent source of kindly feeling throughout the State.¹

Unless all political omens fail, Demos will finally go his way with other kings. The United States took the first step in super-democracy. When sovereignty was shared instead of centered among them, unity, capacity, and amity became the bases of the national life. The gay geometry of our flag expresses more than a comparison between our present and our past. In its blue heaven, above the red and white of parted cloud, appears a symbol of the perfect State—consisting not of planets round a sun, but of self-luminous stars.

¹ Note. The inability of democracy to utilize the political capacity of citizens is the theme of M. Emile Faguet's brilliant and profound book *Le Culte de l'Incompétence* (Paris, 1910). The last chapter, "*Le Rêve*," outlines a "*synergie sociale*" altogether in the spirit of super-democracy, and ends with the words "*Amicitia sit!*" M. Faguet writes: "It is essential to give scope to technical competence, to intellectual competence, to moral competence, even if the national sovereignty comes to be limited thereby, and even if equality suffers. . . . What is necessary and always will be necessary is a mixture of aristocracy and democracy. . . . But this mixed constitution should not be a simple juxtaposition, which would only bring hostile elements into contact. I have said mixture, and should have said combination. . . . A healthy State is one in which the aristocracy finds something to admire in the people, and the people in the aristocracy. . . ."

Reading for "aristocracy" the special electorates of super-democracy, and for "the people" the general electorate of democracy, from which they are developed, the outline of M. Faguet recognizes multiple sovereignty as the necessary issue of popular government, and finds in the kindly feeling which it implies the sign of social health. Equality would suffer by the change, as M. Faguet notes, but only the counterfeit principle, not the true one.

BENJAMIN IVES GILMAN.

CHRISTIANITY AND CHRISTIAN SCIENCE

BY REV. RANDOLPH HARRISON McKIM, D.D., LL.D., D.C.L.

CHRISTIAN SCIENCE claims to be a new and improved edition of the Christian religion, resting upon a revelation made in the year 1866. It professes to accept and interpret the Bible—yet it has put forth another Bible of its own for which it claims infallibility. It uses the language of the old Bible. It calls Christ “Master.” It tells us that Christ practised Christian Science. Indeed, it says, “Christ is Christian Science.”

We must, then, face the question, Is this new religion really a new revelation from God? Is it a new and improved Christianity?

The author of the article on this subject in the December issue of *THE REVIEW* is of opinion that it is, and that the only salvation of Protestantism lies in frankly adopting the principles and methods of Christian Science. I propose to answer his question by simply comparing the Creed of Christendom with the Creed of Christian Science.

Let us proceed, then, to institute a comparison between the Creed of Christianity and the Creed of the system which calls itself Christian Science.

1. “I believe in God the Father Almighty, maker of Heaven and Earth”—that is the first article of the Christian Creed. It involves, as you perceive, two statements, (1) that God is our Father, and (2) that God is the Creator of Heaven and Earth.

Compare with this the Creed of Christian Science: “God is definitely individual and not personal”; God is “the infinite and divine principle”; “God is divine principle”; “God as a principle, not a person, saves a man”; “God is not a Person.”

But if God is not a personal God, but only a principle, how can He be a Father? How can He love us? How can He pity us? How can we call Him our Father?

Again, the text-book of Christian Science declares that "Matter is unreal" (*Science and Health*, ed. of 1893, p. 173); and again, "There is no matter"; matter is "nothing but a mortal illusion." Commenting on the Genesis record of Creation, the author of this religion says, "The translators of this record entertained a false sense of Being. They believed in *the existence of matter*" (*Id.* p. 525).

If this be true, then God is not the Maker of heaven and earth; for nothing can be more certain than that that which never has existed has never been created. Indeed, it is plainly asserted in this new Bible that God is not the Creator of matter (*Id.* p. 119, ed. of 1907).

2. The second article of the Christian Creed is this: "I believe in Jesus Christ, His only Son our Lord, who was conceived by the Holy Ghost, born of the Virgin Mary, suffered under Pontius Pilate, was crucified, dead and buried; he descended into hell."

Now what has the text-book of Christian Science to say on this subject? What is its creed about Jesus Christ? It tells us "that the Virgin Mother conceived this idea of God, and gave to her ideal the name of Jesus." (Thus Jesus was simply the *ideal of the Virgin*. (*Id.* p. 29, ed. of 1907.)

It denies that "the Word was made flesh and dwelt among us." It distinguishes between Jesus and Christ. It tells us that Jesus suffered, but Christ never suffered. Christ was "the spiritual idea of divine love" (p. 38). It says, "Christ was incorporeal, whereas Jesus was a corporeal or bodily existence." After the so-called Ascension, Jesus disappeared, he ceased to exist: Christ alone remained, and Christ was an invisible, impersonal idea. Thus Christian Science denies the reality of the Incarnation, on which the faith of the Christian Church has been built for nineteen centuries. Christian Science says that Jesus separated from Christ after the Resurrection; but the Bible says "Jesus Christ, the same yesterday, to-day, and forever." The Bible also says "Every spirit that confesseth not that Jesus Christ is come in the flesh, is not of God; and this is that spirit of anti-Christ."

Again, it has been the faith of the Christian Church from

the beginning that Jesus Christ was the Eternal Son of God—that He was Divine—"God manifest in the flesh." But I have found no evidence of any such faith in the divinity of Jesus Christ in the Bible of Christian Science. On the contrary, Jesus is represented as not always superior to the errors of mortal belief. I read, "The Spiritual Christ was *infallible*; Jesus, as material manhood, *was not Christ*" (*Science and Health*, p. 84, ed. of 1893). The authoress concedes that "He has been rightfully regarded as the best man who ever trod this planet" (p. 364). Consider now the life, the works, and the mission of Jesus. According to the text-book of Christian Science, Jesus wrought no miracles. Indeed, "miracles are impossible" (p. 83, ed. of 1907). We are informed that "Jesus healed the sick and destroyed sin by a metaphysical process" (p. 210, ed. of 1907). In fact, he practised Christian Science, but in an imperfectly developed form. Take as a crucial instance the raising of Lazarus. The authoress of this cult boldly says, "Jesus restored Lazarus by the understanding that he had never died, not by an admission that his body had died and then lived again"—although we read in St. John's Gospel, "Then said Jesus unto them, plainly, Lazarus is dead"—and although we read again that he had been dead four days when Jesus called him to life again. "By this time," said Martha, "he stinketh."

I now call attention to one of the most astounding assertions to be found in this new Bible of this new religion: it denies that Jesus died on the Cross; it denies that He rose from the dead. Here is its language:

"His disciples believed Jesus dead while he was hidden in the sepulcher, whereas he was alive, demonstrating within the narrow tomb the power of spirit to overrule mortal, material sense" (p. 44, ed. of 1907).

In fact, He was engaged those three days in the sepulcher in resuscitating His wasted energies, healing His torn palms, binding up His wounded side and lacerated feet—and all this "on the basis of Christian Science" (p. 44). This absolute contradiction of all the gospel records and of the Creed of all the Christian ages is worthy of careful attention.

If we consider now the mission of Jesus Christ—the purpose of His coming—we find in the text-book of Christian Science another complete contradiction to the Chris-

tian Creed. That Creed has been expressed for nineteen centuries in the words of the angel, "Call His name Jesus, for He shall save His people from their sins." But it appears in this new evangel that Christ came to save men, not from their sins, but from the false belief that they are sinners. Here is the language used by the founder of Christian Science, "Matter and evil (including all inharmony, *sin*, disease, and death) are unreal." "It (evil or sin) is a false belief." "Man is incapable of sin." "Is there no sin? The only reality of sin is the awful fact that unrealities seem real." But "If there is no sin, why did Jesus come to save sinners? *Jesus came to seek and to save them from this false belief*" (*Miscellanies*, p. 63). Again we read, "Jesus came to seek and to save such as believe in the reality of the unreal! to save them from this false belief." Once more: "To get rid of sin thro' Christian Science is to divest sin of any supposed reality" (p. 234, ed. of 1893). Thus Christian Science contradicts the words of the Angel; contradicts the words of the apostles; contradicts the Christian Creed; contradicts the words of Christ Himself, when they affirm, as they all do with one accord, that the mission of Christ was to save sinners from their sins.

It is not surprising, then, that we find no doctrine of Atonement in the Creed of Christian Science. Christ is never held up as the great High Priest who made on the Cross the one perfect and sufficient sacrifice for the sins of the whole world. It teaches that "another's suffering cannot lessen our liability." The only atonement it knows is "constant self-immolation on the part of the sinner." That is to say, the sinner makes his own atonement. Again we are told, "Reformation cancels the crime." Christ said, "This is my blood of the new Testament which is shed for you for the remission of sins." St. Paul said, "Christ made peace by the blood of His Cross"; and again, "We were reconciled to God by the death of His Son." And St. John says, "The blood of Jesus Christ His Son cleanseth from all sin."

But this founder of a new religion tells us "the material blood of Jesus was no more efficacious to cleanse from sin **when** it was shed upon the accursed tree than when it was **flowing** through his veins" (p. 25, ed. of 1907).

3. Let us now pass to another article of the Christian

Creed concerning Christ: "The third day He rose again from the dead." What has Christian Science to say to this? It simply denies it. Denying that He died on the Cross, it necessarily follows that it denies that He rose from the dead. Here is its language: His disciples "saw Him after His crucifixion, and learned that He had not died." Thus the Rock upon which the Christian Faith and the Christian Church were built nineteen centuries ago is dissolved into unreality. As we reflect upon this we hear the echo of the great apostle's voice, "If Christ be not risen, then is your faith vain; ye are yet in your sins."

4. The next article of the Christian Creed expresses faith in the Ascension of Christ: "He ascended into Heaven." Christian Science understands this to mean that "He rose even higher in the understanding of Spirit, God."

"His unchanged physical condition after what seemed to be death was followed by his exaltation above all material conditions, and explained his ascension. . . . In this His final demonstration, *called the Ascension*, . . . He rose above the physical knowledge of His disciples" (p. 46). Elsewhere it is taught that Christ and Jesus continued together apparently as one till after the Ascension, then Jesus disappeared—and Jesus was only a corporeal concept.

In other words, the objective fact of the Ascension is denied.

5. The Christian Creed goes on next to affirm the belief that Christ, who has ascended into heaven, shall come again to judge the world: "From thence He shall come to judge the quick and the dead." Let me say in one word that Christian Science denies the Second Coming of Christ. Here is what its author teaches: "Christ's Second Coming is Christian Science" (p. 587, ed. of 1893). The Bible says, "The Lord Himself shall descend from heaven"—but this inventor of a new cult tells us that Christ means the religious system she discovered in the year 1866!

As to Christ's coming to judge the world, this new Bible tells us in so many words, "No final judgment awaits mortals" (p. 187, ed. of 1893).

6. I pass to the next article in the Christian Creed: "I believe in the Holy Ghost." Christian Science denies the personality of the Holy Ghost. The woman who invented it, dares to say that by the Holy Ghost is to be understood

“Christian Science.” Commenting on the words of Christ, “He shall give you another Comforter, that He may abide with you forever.” She says, “This Comforter I understand to be Divine Science”—which is her term for the system which she has promulgated. I may here remark that the doctrine of the Trinity is not part of the Creed of Christian Science. It is alluded to as “a theory.”

7. The only other article of the Creed that my space allows me to compare with the Creed of Christian Science is this, “I believe in the Resurrection of the body.”

Now St. Paul has taught us that “flesh and blood cannot inherit the Kingdom of God, neither doth corruption inherit incorruption,” so that we do not expect at the Resurrection a body of flesh and blood, but a spiritual body.

But Christian Science denies that there will be any resurrection of the body in any sense. It says: “The belief that material bodies return to dust, hereafter to rise up as spiritual bodies, is incorrect” (p. 73, ed. of 1907).

And now I ask your readers to consider the result of the comparison which I have made between the Christian Creed and the Creed of Christian Science. In every instance I have quoted the very words of the authorized writings of the founder of this new cult. And the result is that every article of the Apostles’ Creed which expresses the faith of Christendom is denied by Christian Science. The two systems are thus seen to be wholly different—yes, diametrically opposed. They represent two different religions—not two phases of the same religion. So sharp is this antithesis that if one is true the other must be false. They cannot both be true.

Let me also point out that the conclusions I have reached rest upon a solid foundation, because I have drawn them entirely from the book called *Science and Health*, which is the Bible of this new religion—declared by its founder to be absolutely without error, and from one or two other authorized writings of the same person. Hence the conclusion is absolutely unassailable, that the Creed of Christian Science and the Christian Creed are mutually contradictory. But I do not assert that all Christian Scientists have forsaken all the articles of the Christian Creed. I hope that very many of them are inconsistent with their new Creed, and hold fast at least to some of the elements

of the Christianity on which they have formally turned their backs.

Before concluding let me indicate briefly some of the *claims* and some of the *tenets* of Christian Science. As to the former, the author of the cult tells us that her discovery of the true philosophy of religion in 1866 was a fresh fulfilment of the prophecy of Emmanuel, "God with us" (p. 107). It was a new Gospel. It was, in fact, Christ himself (p. 242). It was a permanent dispensation to remain forever among men; and its mission is "to take away the sins of the world" (p. 150)—the thing which the Christian Church has always hitherto attributed to Jesus Christ.

It claims, also, that if men will faithfully follow the philosophy of Christian Science, "death will be obsolete" (p. 90); "perpetual youth will be attained" (p. 245), in proof of which an instance is cited of a lady of ninety years developing a complete new set of teeth under the influence of Christian Science! (p. 247). Finally, it is claimed that "when we wake to the truth of Being, all error, pain, weakness, weariness, sorrow, sin, and death will be unknown" (p. 219). Even the lightning "will become harmless" (p. 97).

As we listen to these claims, we say to ourselves,—“and yet the author and discoverer and apostle of this strange cult, who has been almost worshiped for a generation by her followers—even she succumbed to the stroke of death!”

A word may be added concerning some of the *tenets* of Christian Science. Here are some of them:

Disease is a belief—an illusion (p. 168). Disease does not exist (p. 184). Sickness, sin, and death are not realities (p. 184). Death is a mortal dream (p. 42). The decomposition of mortal bodies in what is called death arises from a mental illusion (p. 92).

“You say a boil is painful; that is impossible!” (p. 231). “Suffering and disease are the self-imposed beliefs of mortals, and not the facts of being” (p. 221).

“The body would never be weary but for the mind saying so” (p. 218).

“Colds, coughs, and contagion are engendered wholly by human theories” (p. 220). Even poison, though inadvertently taken, will kill only because the majority of people believe it will. It is interesting—and not a little sugges-

tive—that in spite of the boundless healing powers attributed to Christian Science, its author advises that surgical cases and broken bones be left to the surgeons. Here is her language, “Until the advancing age admits the efficacy and supremacy of mind, it is better to leave surgery and the adjustment of broken bones and dislocations to the fingers of a surgeon”! (p. 401).

Here it ought to be pointed out that, contrary to the popular impression, Christian Science does not exalt the power of prayer to heal the sick. On the contrary, it distinctly discourages it. The new Bible of this strange religion definitely teaches that we should not “implore a corporeal God to heal the sick out of his personal volition,” but rather we should “understand the infinitely divine principle which heals.” Again, she says, “Prayer to a personal God is a hindrance” (p. 635, ed. of 1893). “I earnestly advise all Christian Scientists to remove from their observation or study the personal sense of any one” (*Id.*). But is it *possible* to pray without contemplating the Divine personality? Once more, “The prayer of faith shall save the sick, says the Scripture. The only beneficial effect of such prayer for the sick is in the human mind, making it act more powerfully on the body, through a blind faith in God” (p. 317, ed. of 1893). Yet again, “God is not influenced by man” (*Id.*). “Prayer to a personal God hinders spiritual growth.” “This common custom of praying for the sick finds help in blind unbelief” (*Id.* p. 318, ed. of 1893).

This review of the teaching of Mrs. Mary Baker Eddy inevitably brings to mind the words of Christ to His disciples, “Take heed that no man deceive you, for many shall come in my name, saying, ‘I am Christ,’ and shall deceive many.” And the conclusion is inevitable, also. This new religion is not the Christian religion, and whoever leaves the Christian Church to attach himself to it becomes an apostate from Christianity. Its treatment of the Bible can only be described as “handling the word of God deceitfully.” Using its phraseology, it evacuates it of its plain meaning, not hesitating even to flatly contradict its statements.

In confirmation of this indictment, the following examples may suffice: The Bible says Jesus died on the Cross and arose from the dead. This woman’s new Bible says Jesus did not

die, and did not rise from the dead. The Bible says, "When we were enemies we were reconciled to God by the death of his Son." This nineteenth-century self-appointed prophetess changes this as follows: "When we were enemies we were reconciled to God by the (*seeming*) death of His Son."

The prophet Isaiah says of the Messiah, "Unto us a child is born, unto us a Son is given, . . . and His name shall be called Wonderful, Counselor, the Mighty God, the Everlasting Father, the Prince of Peace." This sublime prophecy is interpreted to predict the birth of Christian Science—born of a thrice-married and once-divorced woman. Accordingly we read in one of her writings, "*The Star of Bethlehem is the Star of Boston.*"¹

If any one replies, How can this system be false when we see the wonderful cures wrought by it? In reply, I will not enter into any discussion of the reality of those cures, or the method by which they are wrought, but I will simply say, If every one of them has really been wrought, that does not prove the truth of Christian Science; for our Saviour warns us that the "false Christs and false prophets shall show great signs and wonders; in so much that they shall deceive the very elect."

Christians are commanded to "try the spirits whether they be of God," to test every doctrine by the Word of God, and, if it cannot stand that test, to know that "it is not of God." This I have done. It is for your readers to judge of the result.

I have deemed it entirely unnecessary to deal with the assertions and the negations of the article which has suggested this paper. It is enough, in answer to the question, "*Must Protestantism Adopt Christian Science?*" to show that the two systems are irreconcilable—hence Protestantism can only adopt Christian Science by abandoning and repudiating every fundamental doctrine for which it stands.

I forbear to comment on the railing accusations with which the article abounds against the Christian Church and the

¹ It is often difficult to verify quotations from *Science and Health*, because of the extraordinary changes made in successive editions of the book. Thus the *first* chapter in one edition becomes the *sixth* in another; the *second* becomes the *seventh*; the *third* becomes the *eighth*, etc. Consequently, the pagination in the different editions is sometimes entirely different, and verification of quotations is often practically impossible.

Christian Ministry. It combines an extravagant eulogy of Christian Scientists with an extraordinary denunciation of the sins and failures of the Christian Church. The Christian Church is "materialized"; it "lives for itself"; it is "a party to the system of oppression of Divine manhood"; it retains bad members "because they help support the Church"; it is full of "materialism," "selfishness," and "the absence of the sense of God"; in short, it suggests Christ's rebuke, "Woe unto you, scribes and Pharisees, hypocrites!"

To this philippic against the Christian Church it is quite unnecessary here to reply. One thing, however, inevitably suggests itself as one reads the article. This anonymous and unknown priest of the Protestant Episcopal Church must have been very unfortunate in his experience, as a witness for Christ and a guide of souls, if the picture he here presents is drawn in any large degree from the results of his own ministry.

RANDOLPH HARRISON MCKIM.

SCIENCE AND LITERATURE

BY JOHN BURROUGHS

It is not in the act of seeing things or apprehending facts that we differ so much from one another, as in the act of interpreting what we see or apprehend. Interpretation opens the door to the play of temperament and imagination, and to the bias of personality. A mind that has a lively fancy and a sense of mystery will interpret phenomena quite differently from a mind in which these things are absent. The poetic, the religious, the ethical mind, will never be satisfied with the interpretation of the physical universe given us by the scientific mind. To these mental types such an interpretation seems hard and barren; it leaves a large part of our human nature unsatisfied. If a man of science were to explain to a mother all the physical properties, functions, and powers of her baby, and all its natural history, would the mother see her baby in such a portraiture? Would he have told her why she loves it? It is the province of literature and art to tell her why she loves it, and to make her love it more; of science to tell her how she came by it, and how to secure its physical well-being. Literature interprets life and nature in terms of our sentiments and emotions; science interprets them in terms of our understanding.

The habit of mind begotten by the contemplation of nature, and by our emotional intercourse with her, is in many ways at enmity with the habit of mind begotten by the scientific study of nature. The former has given us literature, art, religion; out of the latter has come our material civilization. Out of it has also come our enlarged conception of the physical universe, and a true insight as to our relations with it, albeit this gain seems to have been purchased, more or less, at the expense of that state of mind that in the past has given us the great poets and prophets and religious teachers and inspirers.

As I have said, the two types of mind, the scientific and the artistic, the analytic and the synthetic, look upon nature and life with quite different eyes. Wordsworth said of his poet that he was "contented to enjoy what others understood." When Whitman, as he records in one of his poems, fled from the lecture-hall where the "learned astronomer" was discoursing about the stars, and in silence gazed up at the sky gemmed with them, he showed clearly to which type he belonged. Tyndall said that men of warm feelings, with minds open to the elevating impressions produced by nature as a whole, whose satisfaction therefore is rather ethical than logical, lean to the synthetic side, while the analytic harmonizes best with the more precise and more mechanical bias which seeks the satisfaction of the understanding. Tyndall said of Goethe that while his discipline as a poet went well with his natural history studies, it hindered his approach to the physical and mechanical sciences: "He could not formulate distinct mechanical conceptions; he could not see the force of mechanical reasoning," as Tyndall himself could see it. Tyndall was a notable blending of the two types of mind; to his proficiency in analytical and experimental science he joined literary gifts of a high order. It is these gifts that make his work rank high in the literature of science.

Tyndall was wont to explain his mechanistic views of creation to Carlyle, whom he greatly revered. But Carlyle did not take kindly to them. This was one of the phases of physical science which repelled him. Carlyle revolted at the idea that the sun was the physical basis of life. He could not endure any teaching that savored of materialism. He would not think of the universe as a machine, but as an organism. *Urdrasil*, the Tree of Life, was his favorite image. Considering how the concrete forces of the universe circulate and pull together, he found no similitude so true as that of the tree—"Beautiful, altogether beautiful and great," said he. "The Machine of the universe—alas! do think of that in contrast!"

Carlyle was a poet and a prophet and saw the world through his moral and spiritual nature, and not through his logical faculties. He revolted at the conception of the mystery we name life being the outcome of physical and chemical forces alone.

Literature, art, and religion are not only not fostered by

the scientific spirit, but this spirit, it would seem, is almost fatal to them, at least so far as it banishes mystery and illusion, and checks or inhibits our anthropomorphic tendencies. Literature and art have their genesis in love, joy, admiration, speculation, and not in the exact knowledge which is the foundation of science. Our creative faculties may profit by exact knowledge of material things, but they can hardly be inspired by it. Inspiration is from within, but scientific knowledge is from without.

There is no literature or art without love and contemplation. We can make literature out of science only when we descend upon it with love, or with some degree of emotional enjoyment. Natural history, geology, biology, astronomy, yield literary material only to the man of emotion and imagination. Into the material gathered from outward nature the creative artist puts himself, as the bee puts herself into the nectar she gathers from the flowers to make it into honey. Honey is the nectar plus the bee; and a poem, or other work of art, is fact and observation plus the man. In so far as scientific knowledge checks our tendency to humanize nature, and to infuse ourselves into it, and give to it the hues of our own spirits, it is the enemy of literature and art. In so far as it gives us a wider and truer conception of the material universe, which it certainly has done in every great science, it ought to be their friend and benefactor. Our best growth is attained when we match knowledge with love, insight with reverence, understanding with sympathy and enjoyment; else the machine becomes more and more, and the man less and less.

Fear, superstition, misconception, have played a great part in the literature and religion of the past; they have given it reality, picturesqueness, and power; it remains to be seen if love, knowledge, democracy, and human brotherhood can do as well.

The literary treatment of scientific matter is naturally of much more interest to the general reader than to the man of science. By literary treatment I do not mean taking liberties with facts, but treating them so as to give the reader a lively and imaginative realization of them—a sense of their esthetic and intellectual values. The creative mind can quicken a dead fact and make it mean something in the emotional sphere.

When we humanize things, we are beyond the sphere of

science and in the sphere of literature. We may still be dealing with truths, but not with facts. Tyndall, in his *Fragments*, very often rises from the sphere of science into that of literature. He does so, for instance, in considering the question of personal identity in relation to that of molecular change in the body. He asks:

How is the sense of personal identity maintained across this flight of the molecules that goes on incessantly in our bodies, so that while our physical being, after a certain number of years, is entirely renewed, our consciousness exhibits no solution of continuity? Like changing sentinels, the oxygen, hydrogen, and carbon that depart seem to whisper their secret to their comrades that arrive, and thus, while the Non-ego shifts, the Ego remains the same. Constancy of form in the grouping of the molecules, and not constancy of the molecules themselves, is the correlative of this constancy of perception. Life is a *wave* which in no two consecutive moments of existence is composed of the same particles.

Tyndall has here stated a scientific fact in the picturesque and poetic manner of literature. Henri Bergson does this on nearly every page. When his subject-matter is scientific, his treatment of it is literary. Indeed, the secret of the charm and power of his *Creative Evolution* is the rare fusion and absorption of its scientific and philosophical material by the literary and artistic spirit.

How vividly present Huxley is in everything he writes or speaks, the man shining through his sentences as if the sword were to shine through its scabbard—a different type from Tyndall, more controversial! A lover of combat, he sniffs the battle afar; he is less poetical than Tyndall, less given to rhetoric, but more a part of what he says, and having a more absolutely transparent style. How he charged the foes of Darwin, and cleared the field of them in a hurry. His sentences went through their arguments as steel through lead.

As a sample of fine and eloquent literary statement I have always greatly admired that closing passage in his essay on "Science and Morals" in which he defends physical science against the attacks of Mr. Lilly, who, armed with the weapons of both theology and philosophy, denounced it as the evil genius of modern days. Huxley says:

If the diseases of society consist in the weakness of its faith in the existence of the God of the theologians, in a future state, and in uncaused volitions, the indication, as the doctors say, is to suppress Theology and Philosophy, whose bickering about things of which they

know nothing have been the prime cause and continual sustenance of that evil skepticism which is the Nemesis of meddling with the unknowable.

Cinderella is modestly conscious of her ignorance of these high matters. She lights the fire, sweeps the house, and provides the dinner; and is rewarded by being told that she is a base creature, devoted to low and material interests. But in her garret she has fairy visions out of the ken of the pair of shrews who are quarreling down-stairs. She sees the order which pervades the seeming disorder of the world; the great drama of evolution, with its full share of pity and terror, but also with abundant goodness and beauty, unrolls itself before her eyes; and she learns in her heart of hearts the lesson that the foundation of morality is to have done, once and for all, with lying; to give up pretending to believe that for which there is no evidence, and repeating unintelligible propositions about things beyond the possibilities of knowledge.

She knows that the safety of morality lies neither in the adoption of this or that theological creed, but in a real and living belief in that fixed order of nature which sends social disorganization upon the track of immorality as surely as it sends physical disease after physical trespasses. And of that firm and lively faith it is her high mission to be the priestess.

Herbert Spencer, so far as I have read him, never breathes the air of pure literature. "Life," says Spencer, "is a continuous adjustment of internal relations to external relations." In other words, without air, water, and food our bodies would cease to function and life would end. Spencer's definition is of course true so far as it goes, but it is of no more interest than any other statement of mere fact. It is like opaque and inert matter. Tyndall's free characterization of life as a "wave which in no two consecutive moments of its existence is composed of the same particles" pleases much more, because the wave is a beautiful and suggestive object. The mind is at once started upon the inquiry, What is it that lifts the water up in the form of a wave and travels on, while the water stays behind? It is a force imparted by the wind, but where did the wind get it, and what is the force? The impulse we call life lifts the particles of the inorganic up into the organic, into the myriad forms of life—plant, tree, bird, animal—and, when it has run its course, lets them drop back again into their former inanimate condition.

Although Tyndall and Huxley possessed fine literary equipments, making them masters of the art of eloquent and effective statement, they were nevertheless on their guard against any anthropomorphic tendencies. They were not unaware of the emotion of the beautiful, the sublime, the

mysterious, but as men of science they could interpret evolution only in terms of matter and energy. Most of their writings are good literature, not because the authors humanize the subject-matter and read themselves into nature's script, but because they are masters of the art of expression, and give us a lively sense of the workings of their own minds.

Spencer was foreordained to the mechanistic view of life. His mind moves in the geometric plane. It is a military and engineering intellect applied to the problems of organic nature. How smoothly and orderly his intellect runs, with what force and precision, turning out its closely woven philosophical fabric as great looms turn out square miles of textiles, without a break or a flaw in the process. Never was a mind of such power so little inspired; never was an imagination of such compass so completely tamed and broken into the service of the reasoning intellect. There is no more aerial perspective in his pages than there is in a modern manufacturing plant, and no hint whatever of "the light that never was on sea or land." We feel the machine-like run of his sentences, each one coming round with the regularity and precision of the revolving arms of a patent harvester, making a clean sweep and a smooth cut; the homogeneous and the heterogeneous, the external and the internal, the inductive and the deductive processes, alternating in a sort of rhythmic beat like the throb of an engine. Spencer had a prodigious mind crammed with a prodigious number of facts, but a more juiceless, soulless system of philosophy has probably never emanated from the human intellect.

The tendency to get out of the sphere of science—the sphere of the verifiable—into the sphere of literature, or of theology, or of philosophy, is pronounced, even in many scientific minds. It is pronounced in Sir Oliver Lodge, as seen in his book on *Science and Immortality*. It is very pronounced in Alfred Russel Wallace; in fact, in his later work his anthropomorphism is rampant. He has cut more fantastic tricks before the high heaven of science than any other man of our time of equal scientific attainments. What a contrast to the sane, patient, and truth-loving mind of Darwin! Yet Darwin, it seems to me, humanized his birds when he endowed the females with human femininity, attributing to them love of ornament and of fine plumage, and making

this love of ornamentation the basis of his theory of sexual selection. It seems as though in that case he could not find the key to his problem, and so proceeded to make one—a trick to which we are all prone.

Since science dehumanizes nature, its progress as science is in proportion as it triumphs over the anthropomorphic character which our hopes, our fears, our partialities, in short, our innate humanism, has bestowed upon the outward world. Literature, on the other hand, reverses this process, and humanizes everything it looks upon; its products are the fruit of the human personality playing upon the things of life and nature, making everything redolent of human qualities, and speaking to the heart and to the imagination. Science divests nature of all human attributes and speaks to impersonal reason alone. For science to be anthropomorphic is to cease to be science; and for literature to be anything else is to fail as literature. Accordingly, the poet is poet by virtue of his power to make himself the center and focus of the things about him, but the scientific mind is such by virtue of its power to emancipate itself from human and personal consideration and rest with the naked fact. There is no art without the play of personality, and there is no science till we have escaped from personality, and from all forms of the anthropomorphism that doth so easily beset us. It is not that science restricts the imagination; it is that it sterilizes nature, so to speak, reducing it to inorganic or non-human elements. This is why the world, as science sees it, is to so many minds a dead world.

When we find fault with science, and accuse it of leading us to a blank wall of material things, or of deadening our esthetic sensibilities, we are finding fault with it because it looks upon the universe in the light of cold reason, and not through that of the emotions. But our physical well-being demands the de-humanization of the physical world; until we see our true relation to the forces amid which we live and move—our concrete bodily relations—we are like children playing with fire, or with edged tools, or with explosives. Man made no headway against disease, against plague and pestilence, till he outgrew his humanistic views, dissociated these things from evil spirits and offended deities, and looked upon them as within the pale of natural causation. Early man saw and felt and heard spirits on all sides of him—in fire, in water, in air, but he controlled and made use of them

only so far as he was practically scientific. To catch the wind in his sails he had to put himself in right physical relation to it. If he stayed the ravages of flood or fire, he was compelled to cease to propitiate these powers as offended deities, and fight them with non-human forces, as he does to-day. And the man of to-day may have any number of superstitions about his relations to the things around him, and about theirs to him, but he is successful in dealing with them only when he forgets his superstitions and approaches things on rational grounds.

Our fathers who held that every event of their lives was fixed and unalterable, according to the decrees of an omnipotent being, could not have survived had their daily conduct been in harmony with their beliefs. But when ill, they sent for the doctor; if the house got afire, they tried to put the fire out; if crops failed, they improved their husbandry. They slowly learned that better sanitation lessened the death-rate; that temperate habits prolonged life; that signs and wonders in the heavens and in the earth had no human significance; that wars abated as men grew more just and reasonable. We come to grief the moment that we forget that nature is neither for nor against us. We can master her forces only when we see them as they are in and of themselves, and realize that they make no exception in our behalf.

The superstitious ages, the ages of religious wars and persecutions, the ages of famine and pestilence, were the ages when man's humanization of nature was at its height; and they were the ages of the great literature and art, because, as we have seen, these things thrive best in such an atmosphere. Take the gods and devils, the good and bad spirits, fate, and foreknowledge, and the whole supernatural hierarchy out of the literature and art of the past, and what have we left? Take it out of Homer and Æschylus and Vergil and Dante and Milton, and we come pretty near to making ashes of them. In modern literature, or the literature of a scientific age, these things play an insignificant part. Take them out of Shakespeare, and the main things are left; take them out of Tennyson, and the best remains; take them out of Whitman, and the effect is hardly appreciable. Whitman's anthropomorphism is very active. The whole universe is directed to Whitman, to you, to me; but Whitman makes little or no use of the old stock material of the poets. He seeks to draw into himself and to assimilate

and imbue with the human spirit the entire huge materialism of the modern democratic world. He gives the first honors to science, but its facts, he says, are not his dwelling,

I but enter by them to an area of my dwelling.

Being a poet, he must live in the world of the emotions, the intuitions, the imagination—the world of love, fellowship, beauty, religion—the super-scientific world. As practical beings with need of food, shelter, transportation, we have to deal with the facts within the sphere of physical science; as social, moral, and esthetic beings, we live in the super-scientific world. Our house of life has upper stories that look off to the sky and the stars. We are less as men than our fathers, have less power of character, but are more as tools and vehicles of the scientific intellect.

Man lives in his emotions, his hopes and fears, his loves and sympathies, his predilections, and his affinities, more than in his reason. Hence, as we have more and more science, we must have less and less great literature; less and less religion; less and less war; less and less racial and political antagonisms; more and more freedom and fellowship in all fields and with all peoples. Science tends to unify the nations and make one family of them.

The antique world produced great literature and great art, but much of its science was childish. We produce great science, but much of our literature and art is feeble and imitative.

Science, as such, neither fears nor dreads nor wonders nor trembles nor scoffs nor scorns; is not puffed up; thinketh no evil; has no prejudices; turns aside for nothing. Though all our gods totter and fall, it must go its way. It dispels our illusions because it clears our vision. It kills superstition because it banishes our irrational fears.

Mathematical and scientific truths are fixed and stable quantities; they are like the inorganic compounds; but the truths of literature, of art, of religion, of philosophy, are in perpetual flux and transformation, like the same compounds in the stream of life.

How much of the power and the charm of the poetic treatment of nature lies in the fact that the poet reads himself into the objects he portrays, and thus makes everything alive and full of human interest. He sees

The jocund day
Stand tiptoe on the misty mountain top;

he sees the highest peak of the mountain range to be

The last to parley with the setting sun;

he sees

The white arms out in the breakers tirelessly tossing;

while the power and the value of science is to free itself from these tendencies and see things in the white light of reason. Science is the enemy of our myth-making tendency, but it is the friend of our physical well-being.

Every material thing and process has its physics, which, in most cases, seem utterly inadequate to account for the thing as it stands to us. Life is a flower, and the analysis of it does not tell us why we are so moved by it. The moral, the esthetic, the spiritual values which we find in life and in nature, are utterly beyond the range of physical science, and I suppose it is because the physico-chemical explanation of the phenomenon of life takes no account, and can take no account, of these, that it leaves us cold and uninterested. Spencer, with his irrefragable mechanistic theories, leaves us indifferent, while Bergson, with his creative evolution, sets mind and spirit all aglow. One interprets organic nature in terms of matter and motion, the other interprets it in terms of life and spirit.

Science is the critic and doctor of life, but never its inspirer. It enlarges the field of literature, but its aims are unliterary. The scientific evolution of the great problems—life, mind, consciousness—seem strangely inadequate; they are like the scientific definition of light as vibrations or electric oscillations in the ether of space, which would not give a blind man much idea of light. The scientific method is supreme in its own sphere, but that sphere is not commensurate with the whole of human life. Life flowers in the subjective world of our sentiments, emotions, and aspirations, and to this world literature, art, and religion alone have the key.

JOHN BURROUGHS.

THE "PENSEUR"
ON SEEING THE FAMOUS STATUE

BY FLORENCE EARLE COATES

RODIN's it was—this vital thing, this Soul,
This striking force imprisonèd in clay,
This monster Shape inert, held in control
By that it doth enshrine:
Rodin's it was; but, ah, to-day
It is the world's—and mine!

What mystery here is meant?
Is this Time's great event—
This creature earthward sent
With subtle might against himself to strive—
To struggle upward from the brutish thing
And, ruling the blood's rioting,
Keep the celestial spark in him alive?

What miracle is meant,
Suggested by this frame relaxed and bent?
What wonders to this Titan are revealed,
Sitting enisled and motionless as if
Lone on some cloud-invested Teneriffe? . . .
Inward and inward still his vision sinks.
What does he here?— He thinks!

Thought is the travail that absorbs him thus;
Himself the workshop, most mysterious,
Wherein are wrought what human strengths there be.
Detached, aloof, with eyes that seem to stare
Beyond us and beyond apparent things,

He gazes far into futurity,
And doth with gods unbourned horizons share.
For thoughts are borne on never-tiring wings,
And bold adventure regions foul and fair;
To Hades sink, then rise to Heaven again,
Still finding everywhere
The mystic threads whereof are joy and pain
Shaped in the penetralia of the brain!

FLORENCE EARLE COATES.

THE SEA IN THE GREEK POETS¹

BY WILLIAM CHASE GREENE

The whole world's life is a chant to the sea-tide's chorus.—*Swinburne*.

IN no age have we looked upon the sea with indifference. More than the rocks and the trees, more even than the mountains, it has forced itself upon our imaginations as something peculiarly a part of our life. We have lavished all our skill in describing it, we have cursed it as a hostile monster, we have prayed to it as a god, we have felt it to be a symbol of our inner life; but whatever our passions may have been, they have always told us that the sea is a presence not to be ignored.

We, of a later generation, are at a double disadvantage when we try to discover the attitude of an ancient race toward the sea. We find it very difficult, of course, not to read into all the ancient literature the ideas and fancies of later epochs. Moreover, we find not only that there is no one conception or attitude in the whole body of literature, but that hardly any single writer thinks of the sea in unchanging terms. It shall be my task, therefore, to consider the views held by some of the Greek poets, and to trace in outline their growth from poet to poet. The subject has at least this advantage, that the individual poets were at liberty, much more than the sculptors and the painters, to give free rein to their own fancies, to create new worlds of images in the likeness of new visions they had seen. To them the beliefs of their fellows were a background against which they might set their figures.

The Greeks began early to think about the sea. Long before the Homeric poems took literary form, the great

¹This essay won the Charles Oldham Prize at Oxford, June, 1913. The quotations are given partly in the translations of well-known scholars, partly in versions made by the writer.

spectacle of its shape and color, its drama of sound and motion, must have found expression in speech. In its simplest form, this means the Homeric epithet, which voices in a large descriptive way the physical nature of its object. The sea is "wide," "deep," "boundless," "purple," or "wine-dark"; it is "loud-sounding" and "much-dashing," "hoary" or "misty." This "salt thing" is "unvintaged," if that be the meaning of ἀτρυγῆτος; as the highway of ships, it is named the "waterways."

Such description comes from impressions that have not been turned over in any individual mind. To any pair of eyes the sea is large, to any ears its breakers are surging, to any tongue they are salt. Quite easily the descriptive terms became stereotyped in conventional phrases which recurred naturally to the lips of everybody, when once they had been used. Especially must this have been the case in the Homeric poems, because of their traditional character. When a poet begins to sing, however, his imagination immediately dictates what his eye shall see. And the Homeric poems give us accurate and vivid description. Let us turn to the embarking of Telemachus:

Then came Telemachus aboard; but Athene led the way, and at the vessel's stern she sat her down, while close at hand Telemachus was seated. The others loosed the cables, and coming aboard themselves took places at the pins. A favorable wind clear-eyed Athene sent, a brisk west wind that sang along the wine-dark sea. And now Telemachus, inspiriting his men, bade them lay hold upon the tackling, and they hearkened to his call. Raising the pine-wood mast, they set it in the hollow socket, binding it firm with forestays, and tightened the white sail with twisted ox-hide thongs. The wind swelled out the belly of the sail, and round the stem loudly the rippling water roared as the ship started. Onward she sped, forcing a passage through the waves. Making the tackling fast throughout the swift black ship, the men brought bowls brimming with wine, and to the gods that never die and never have been born they poured it forth—chiefest of all to her, the clear-eyed child of Zeus. So through the night and early dawn did the ship cleave her way. (Prof. Palmer's translation.)

Again, the description of the shipwreck of Odysseus abounds in picturesque detail; waves and wind and spray, rocky ledge and shore-rushes, all are skilfully suggested.

But in the Homeric poems by far the greater number of passages of this kind must be sought under the guise of similes, often elaborately set forth. When the detail is added at unnecessary length, so far as pure com-

parison is concerned, the very fullness of the rehearsal betrays the naïf interest of the poet in the theme itself. Thus "the assembly was swayed like the long sea-waves of the Icarian Main that the East wind and the South wind raise, rushing upon them from the clouds of father Zeus." Hermes "dropped down on the deep and skimmed along the water like a bird, a gull, which down the fearful hollows of the barren sea, snatching at fish, dips its thick plumage in the spray." And there is observation of the keenest sort in another passage: "Even as there spreadeth across the main the ripple of the West wind newly risen, and the sea grows black beneath it, so sate the ranks of the Achæans and Trojans upon the plain." The same figure is repeated when Hector "fell upon the fight like a roaring blast that leaps down and stirs the violet-colored deep." Sometimes the sketch is turned into a moving vignette:

As when on the echoing beach the sea-wave lifteth up itself in close array before the driving of the West wind—out on the deep doth it first rear its helmed head, then break on the land, and bellow aloud, and go with arching crest about the head-lands, and spew the foaming brine afar,—even so in close array moved the battalions of the Danaâns without pause to battle.

A particularly vivid touch is lent to the boxing-match between Euryalus and Epeius by another happy simile. "As when beneath the North wind's ripple a fish leapeth on a tangle-covered beach, and then the black wave hideth it, so leapt up Euryalus at that blow."

To even a casual reader of these epithets and similes it must appear that we are passing beyond mere delineation of physical facts. It is only a step from simile to metaphor, from metaphor to personification; and figurative language comes early in the lives of children and of nations. Anything so active as the sea, too, lends itself with especial ease to figurative expression. Frequent are the references to the "broad back of the sea," and to an island as the "navel of the sea." In the more conscious art of Æschylus, too, we find phrases suggestive of such ideas. Xerxes, in the "Persians," throws his bridge of ships like a yoke on the neck of the sea, and the waveless sea is several times conceived of as having fallen asleep. A wonderfully vivid effect is gained by Æschylus when he says that the sea after a storm "blossomed with wrecks of ships and bodies of sailors." Parallels to this idea may of course be found

in Euripides, where the sea "blossoms with blood," and in Lucretius, where it "blossoms with sails."

The genius of language can go far to shape the beliefs of a people. Yet it is doubtful whether the personification of the forces of nature by the poets could ever of itself have brought about their deification. Greek myths cannot be explained simply as the allegorical account of physical phenomena, nor mythical figures as the personification of the powers of nature. Many deities certainly had their origin in the natural elements, conceived as sentient beings, and requiring placation by fetish rites. Yet there are many other cases where gods must have been borrowed from foreign nations, or in which a myth was invented to explain a rite whose origin had been forgotten. In such cases we must not hope to find a close relation between the force of nature and the deity that seems at first to preside over it.

Both kinds of deification had been applied to the sea before the Homeric poems were written, and both kinds are represented within their pages. Side by side the conceptions grew, and side by side they stand in the poems. Inklings of a vague divinity are in the epithet *ἄλς δία*, no less than in the more individualized forms of the primitive sculptor. And Herodotus tells us, in a passage full of significance, his own conception of the theogony:

As to the origin of each individual god, whether all of them existed from the beginning, what were their peculiar forms, the knowledge of these matters is, so to speak, only of to-day and yesterday. For Hesiod and Homer are my seniors, I believe, by perhaps four hundred years,—not more. They it is who have composed for the Greeks the generations of the gods, and have given to the gods their titles and distinguished their several provinces and powers, and marked their forms.

Exaggerated as this view may be, it is at least a half-truth; at any rate, the divinities of the sea are already individualized in the Homeric poems, and never lost the more prominent traits of character that we find there. Vague and popular animism has given place to personality; the phenomena of storm and calm have become but the manifestations of an angry or of a beneficent god. Homer and Hesiod have drawn together the scattered and conflicting beliefs into a fairly consistent dogma; they have done their best to nationalize the theogony.

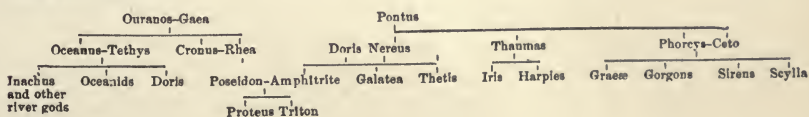
As we might expect, the tendency is for all the gods to become more and more independent of natural provinces, as

they win new personal traits. And in general the gods are noblest the nearer they are to their functions as nature-gods; they doff their sublimity as they approach humanity. Two stages in the development of the sea-gods are chronicled in the early Greek poets. Two sea-dynasties reign without conflicting with each other. The earlier, that of Oceanus, is hardly more than the animate power of the all-encircling Ocean-stream; the later, Poseidon and his train, is far more detached. Yet attempts were made to reconcile the dynasties by means of genealogy.¹

In Oceanus was expressed the immensity of the sea, as the great stream that embraced every known land. Whether the Greeks sent their ships to the Euxine, or past the Pillars of Heracles to the Atlantic, beyond them always lay "that untravel'd world whose margin fades for ever and for ever." Nor could anything be more natural than that round a level world a stream should flow; a shield of Achilles must have its rim. In due season, ocean became Oceanus: "the world is full of gods," said Thales, and Oceanus took his place among the other gods. He is a figure of remote grandeur, living in his palace far to the west, seldom mingling in the affairs of the other gods or of men. He is subject to Zeus, but does not attend the councils of the gods of Olympus. In his stream the stars bathe, and the dawn rises from his depths. By his sister-Titan Tethys, he is the father of three thousand rivers and of countless ocean nymphs. In the "Prometheus Bound" he is more distinctly a person than anywhere else; indeed, we should almost forget his connection with the sea, were it not for his entrance in a chariot drawn by a gryphon. It is interesting to note that Shelley, in the "Prometheus Unbound," though he makes Ocean act as a personality, never allows him to become divorced from his function as the incarnation of the sea.

More prominent than Oceanus is Poseidon, who represents more nearly the power of the sea. Throughout Greek literature and art, it is the physical aspect of him

¹ The following table, adapted from Gayley's *Classic Myths*, will show how this was done:



that is most characteristic, nor does he ever rise to any great spiritual significance. He, too, like Oceanus, is the "engirdler of the earth," but is also the "earth-shaker" and the "gatherer of clouds"; he is reputed to have split the rocks of Tempe. His voice is heard in the surf; his anger is felt in the storm. He belongs to the Olympic dynasty, and as ruler of the sea is the peer of his brother Zeus, while his marriage with Amphitrite, daughter of the Oceanid Doris, reconciles him with the older dynasty. In the "Odyssey," he is the main celestial machinery for the action of the poem; for he "steadily strove with godlike Odysseus till he reached his land." His palace was in the depths of the sea, but he used to drive in his chariot over the floods, the waves standing asunder before him. The trident, his symbol of authority, was probably evolved from a fish-spear; and other attributes, like the dolphins of his train, may be traced to natural origins. It is not certain why the horse came to be associated with Poseidon. Perhaps the best explanation is the resemblance of foam-crested waves on a windy day to the flying manes of horses. Obscure as many parts of his cult may appear, the personality of Poseidon is simpler than that of most of the gods; indeed, we find in Hellenistic art new attempts to revive his passionate character and his immediate connection with the sea, even at the expense of his dignity as a god.

Other divinities of the sea are numerous. Sometimes a sea-monster was simply deified, or some fleeting aspect of the sea was endowed with a more lasting form. Son of Pontus (the high sea) was the fish-god Nereus, a genial old man who represents the beneficence of the sea. His fifty daughters embody the various phases of the ocean, with all its changes of form and color. Thus Galene is the Nereid of calm weather, who danced with her sisters in the depths of the sea. The changeableness of the sea had another representative in Proteus, the Old Man of the Sea, whose power of changing from one intangible form to another cost Menelaus so much trouble. The manner in which the phenomenon of nature became a person is admirably shown in the passage where he "comes forth from the water at a puff of the West wind, veiled in the dark ripple." The terrible aspect of the sea finds its divinity in Phorcys; its wonder and majesty in Thaumas.

⊙ Such, then, are the steps by which the Greeks placed the

sea in their theology. It was not an orderly progress, well defined from step to step. In the Homeric poems, where the epithet stage still lingers, many other conceptions are to be found; nor do we lack intimations of ideas that later generations carried further. As early as the Homeric age, the Greeks learned to express their emotions toward the sea. Dread and fascination strove for mastery in their minds; and at first dread seemed to prevail. The sea was a great and hostile power that separated the nations from one another, and lay in wait for the sailors that had the hardihood to tempt it. So in Homer we find:

Hector shining with fire on all sides leaped on the throng, and fell upon them, as when beneath the storm-clouds a fleet wave reared of the winds falls on a swift ship, and she is all hidden with foam, and the dread blast of the wind roars against the sail, and the sailors fear and tremble in their hearts, for by but a little way are they borne forth from death; even so the spirit was torn in the breast of the Achæans.

Menelaus tells of a "sea from which birds travel not within a year, so vast is it, and fearful"; and Menelaus was not alone in finding the sea *δεινός*. Even Hermes, the great traveler among the gods, asks, "Who of his own accord would cross such stretches of interminable salt sea?" And when Calypso bids Odysseus to build a raft, he is distressed at the thought of "that great gulf of sea, terrible, toilsome, which trim ships cannot cross, although they speed so fast, glad in the breeze of Zeus." In fact, the sea became almost a type of all that is hard and unfeeling; so that Patroclus cries to Achilles, "Pitiless that thou art, the knight Peleus was not thy father, nor Thetis thy mother, but the gray sea bore thee, and the sheer cliffs, so untoward is thy spirit." The sight of Odysseus to Penelope is as welcome as the sight of land to the shipwrecked mariner. The very name of the Euxine Sea is euphemistic for what Æschylus calls the "stepmother of ships."

This attitude of fear naturally kept the Greeks from becoming very reckless sailors. "Nothing is worse than sea-life for weakening a man, however strong he be," say even the Phæacians. The Greeks were averse to sailing in winter, and Hesiod advises that ships be drawn up on the shore at the setting of the Pleiades. Man shows his superiority over the beasts by sailing the sea, says Sophocles: but putting to sea in a storm is tempting the gods. Later poets

elaborated this idea into a dogma, maintaining that the sea is a divinely appointed barrier between nations. Horace was not the only Roman poet who considered the first sailor to have been armed with "*aes triplex*."

Some modern critics have found fault with Tennyson's "Ulysses," on the ground that the Greeks never sailed at night. It is true that they were averse to such voyages; yet the Homeric heroes were sometimes compelled to make them. Telemachus sails for Pylos in the night in order to escape the notice of the suitors; Odysseus several times steered by the stars, and the Phæacians brought him home by night, so that his arrival should not be known. Still, it must be remembered that these characters were under the especial care of the gods; and the Ulysses of Tennyson had no reasons but those of the poet for setting sail at dusk.

Everybody remembers the touching passage in the "Odyssey" where Odysseus is confronted among the shades by his companion Elpenor, who has just died. Odysseus asks Elpenor: "How came you in this murky gloom? Faster you came on foot than I in my black ship." Elpenor tells Odysseus of his death, and begs his lord to "erect on the shore of the foaming sea the mound of an unhappy man, that future times may know. Do this for me, and fix upon my grave the oar with which in life I rowed among my comrades." The custom of honoring shipwrecked mariners in this way gave rise to many very pathetic epitaphs as well as to other poems in the same spirit. Thus we may read the poem of Archias:

Not even in death shall I, Theris, tossed shipwrecked upon land by the waves, forget the sleepless shores; for beneath the spray-beaten reefs, nigh the disastrous main, I found a grave at the hands of strangers, and forever do I wretchedly hear roaring even among the dead the hated thunder of the sea. (Translation of John William Mackail.)

An interesting parallel with this attitude is that of the Hebrews. The "Great Sea" was regarded by them with a feeling of fear, almost of abhorrence. Their harbors, unlike those of Greece, were few and poor. For them the sea was the abode of huge monsters, particularly of the evil power of "Rahab," or "Leviathan," or the "Serpent." This explains such passages as the apocalyptic description of St. John, in which the beast rises from the sea; and of

his ideal conception of the new heaven, where "there shall be no more sea."

Yet almost as strong as the Greeks' fear of the sea, and not altogether unmixed with it, are traces of a more rational feeling. They could not but recognize that however dangerous it was in its stormier hours, it was also a friendly power. Especially in the post-Homeric period it was looked upon as a great highway; but even before the Homeric age, the Ionians of Asia Minor had begun to explore the Mediterranean, and they were born sailors. Of course their proximity to the Phœnicians, the great sailors of antiquity, acted as a stimulus to them; but that they did not learn so much from them as some writers have supposed is shown by the fact that none of the Greek nautical terms come from the language of the Phœnicians. Yet it is likely, as many think, that the Homeric poet had them in mind in his descriptions of the "oar-loving Taphians," and signally of the Phæacians. "For the Phæacians do not care for bow and quiver; only for masts and oars of ships, and the trim ships themselves, with which it is their joy to cross the foaming sea." So, as civilization advanced, the sea came more and more to be considered a path from country to country, no longer a barrier. Only in this way can we understand with what ecstasy, after long suffering and weariness far inland, the army of the Ten Thousand could cry, when it reached the mountain height from which it could behold the outspread Euxine, "The Sea! the Sea!" So, too, in the "Ajax" of Sophocles, the chorus of sailors, far from home, sings, "Would I were there, where the rock, thick-wooded and washed by the waves, hangs over the face of the deep, under Sunium's broad-jutting peak, that there we might hail, once again, Athens, the holy, the blest."

Ever since the days when the Ionian cities of Asia Minor had begun to send colonies to the Euxine and to Magna Græcia, the political importance of the sea had become large. Though the Greeks never became a thoroughly commercial people, like the Phœnicians, they realized their debt to the sea in something the spirit of the medieval doges of Venice, who were betrothed to the sea. Indeed, shipping was even in the time of Homer so extensive that it became a profitable source of booty for pirates. Aristophanes ridicules in the "Birds" the importance to which the navy has risen; the Hoopoe does not wish his city to be so near

the sea that he may be disturbed any fine morning by the "Salaminia," the official galley. Even Plato had a strong aversion to founding his "second-best city" on the sea, since it was a "brackish neighbor, filling the streets with merchants and shopkeepers, and begetting in the souls of men uncertain and unfaithful ways."

No people that sees its ships sail away to strange lands can fail to speculate about the goal of the voyage; and this is particularly true of the Greeks. They were in the habit of fashioning legends about their sailors. Jason embarked on a venture to win the mysterious golden fleece, far to the east; other adventurers sought for distant Islands of the Blessed in the domain of the sunset. Down to the times of Lucian, whose "True History" has been the model or the inspiration of countless tales of adventure, there was among the Greeks a very lively interest in foreign countries. Indeed, it is hard to explain the Io episode in the "Prometheus Bound" by any other motive than a desire to satisfy the geographical curiosity of a naturally curious race.

Schiller was half right when he wrote:

They (the Greeks) do not attach themselves to nature with that depth of feeling, with that gentle melancholy, that characterizes the moderns. . . . Their impatient imagination only traverses nature to pass beyond it to the drama of human life. . . . It takes pleasure only in the spectacle of what is living and free.

This is very largely true of Homer; but, as Professor Butcher points out, it is a hasty generalization, and is not altogether true of the rest of Greek literature. The Greeks did not always hear, with Wordsworth, in the sea, "the still, sad music of humanity"; they did not often fall into the meshes of what Ruskin has made famous by the term "pathetic fallacy"; they did not, like some of our Romanticists, make of nature an enthusiastic cult: yet they were not unaffected by the human voice of the sea. Many are the accounts of men who walked or sat by the sea when they were troubled at heart. Thus Achilles, when mourning for Patroclus, "would roam wildly beside the beach of the salt sea." Odysseus, when he was the captive of Calypso, used to sit on the rocks and gaze at the sea, weeping. And when the Phæacians had brought him home to Ithaca, before he knew where he was, he "sadly paced the shore of the resounding sea." The sailors pity Philoctetes, "hearing in his loneliness the dashing of breakers on

the shore." The brooding Daphnis of Theocritus sings "looking out upon Sicilian waters," and Polyphemus, in love with Galatea, "sat by the seaweed of the beach from the dawn of day," or "on the crest of a tall cliff, looking out upon the deep sea."

For a mind whose imagination is heightened by suffering, it is easy to find in the commotion of the sea a counterpart of its own pain. In its simplest form, the relation becomes a simile. So in Homer:

As when the great sea is troubled with a dumb wave, and dimly bodes the sudden paths of the shrill winds, but is still unmoved, nor yet rolled forward or to either side, until some steady gale comes down from Zeus,—even so the old man pondered.

And the wrath of the gods against a house is compared by Sophocles to a storm on the Thracian coast. None of these examples, if they were found in a modern author, would be considered very subtle; the significant point is that the comparison is not, as in the other similes that I have quoted, of a merely physical nature; there is an ethical idea besides.

Such ideas are often more prominent. Just as "the blast of the most dread winds will lull to rest the groaning ocean," writes Sophocles, all troubles must have an end. Danae, in a fragment of Simonides, sings to her baby, "Sleep, I bid thee, my child; and sleep, thou sea; and sleep, my immeasurable woe." In contrast to this, in Theocritus the girl Simaetha cries, "so silent is the sea, and silent are the winds; but the torment in my breast is never silent." Then, in the same way that the physical powers of nature were personified, the moral side is endowed with feeling, and is sometimes an actual personality. So in Theognis, "the primeval earth smiled, and the deep flood of the sea was glad." In Æschylus there are varying emotions. Though we have "the myriad laughter of the ocean waves," the sea elsewhere "cries out as it falls, and the depths make moan." A late poem in the *Anthology* speaks of the "gladness" of the sea. All of these passages readily suggest such verses in the Bible as, "Let the floods clap their hands; let the hills be joyful together."

In "Dover Beach," Matthew Arnold describes the moonlit sea:

Listen! you hear the grating roar
Of pebbles which the waves draw back, and fling

At their return, up the high strand,
 Begin, and cease, and then again begin,
 With tremulous cadence slow, and bring
 The eternal note of sadness in.
 Sophocles long ago
 Heard it on the Ægean, and it brought
 Into his mind the turbid ebb and flow
 Of human misery. . . .

Though it is safe to say that there is more Arnold than Sophocles in these lines, nevertheless it is true that Sophocles, as well as other poets of his period, thought easily in terms of the sea. Hard as it is to trace the scattered and confused cases in which these ideas occur, the effect of the feeling upon the poetic language of the Greeks is well marked. In Homer, the figures are easily visualized. The dead suitors are likened to the fish that a fisherman has caught. So, too, in Æschylus, the slaughter of an army is compared to tunny-fishing, and Clytaemnestra boasts of the murder of Agamemnon that she "cast around him a dragnet as for fish." But in Æschylus figurative language is more and more transported to the realm of moral ideas. Perhaps the commonest metaphor in Greek poetry is that of a "sea of ills" with its many variants. Sometimes the conception is a little more defined. Ægeus seems to Medea a haven in storm, we read in Euripides; and so Peleus seems to Andromache. The figure of the ship of state, familiar through Theognis, Alcaeus, and Horace, has countless variations, such as the comparison of a prosperous but overweening man with a ship carrying too much sail, or too heavily freighted. It was for this that Polycrates threw his ring into the sea in vain, as Herodotus tells us.

By the time of Sophocles, these figures had in a large measure become stereotyped as rhetorical conventions. When he wrote that a city was "tempest-tossed," very little of the original metaphorical force was left. The ideas had passed into the currency of common speech; they were like counters, or coinage, equivalent to certain fairly distinct ideas. Œdipus was "pilot of the ship" in much the same artificial sense in which Macbeth speaks of King Duncan as "the spring, the head, the fountain" of his sons' blood. A "whirling surge of chariots," though it may conceivably retain the original figure, is probably a mere convention. So we may explain away the mixed metaphor in Hamlet's soliloquy, by saying that Shakespeare no longer retained

the original force of the figure in his "sea of troubles." In Euripides these tropes are sometimes of a perfunctory nature, sometimes they are thought out with more care. So, we find, it is best with an angry people to slacken sheet and let the storm spend itself.

We noticed in Homer that the epithet "sacred" or "divine" was applied to the sea. The early philosophers, too, dwellers beside the great presence of the sea, gave it a supernatural place in their systems. Thales based everything on water; Xenophanes declared, "We all spring from earth and water"; Heracleitus supposed water to be a manifestation of fire; and Empedocles made it one of his four elements. In the same way the sea was regarded as peculiarly the portion of the gods. An interesting light is thrown on this peculiar and sometimes almost superstitious belief by Greek notions of the lustral character of water. In order to understand them fully we should have to go far into folklore; yet it seems clear that their origin is to be sought, as one would expect, in the simple cleansing effect of water, gradually idealized. When Œdipus bathed before his strange disappearance, a spiritual purification was supposed to accompany his bodily ablutions. Such is the origin of Jewish rites of purification by washing, and of the baptism of the Christian Church.¹ Telemachus washed his hands before prayer, in accordance with the belief that clean hands and a pure heart go together. And so Hecuba wished to wash Polyxena in seawater before her death. Aristophanes, in burlesque, makes Æschylus parody Euripides by having a dream washed away with water. In Apollonius Rhodius, Circe washed her hair and garments in the sea.

Even more than the water of a spring, the sea was felt by its very vastness to have a lustral power. There are a number of examples of this belief, cast in such a form as to bear a striking resemblance to the famous passage in "Macbeth." Says the unknown writer of an epigram preserved in a manuscript in the Laurentian Library, "For the holy, a sprinkling of water sufficeth; but a wicked man the whole

¹ From representations in art, as well as from passages in the poets, it appears that the mythological birth of Aphrodite from the sea has a close connection with her ritual bath; she renewed her virginity from time to time in this bath (as did also Athene and Hera). Perhaps we may find a parallel to this in St. Paul's analogy between baptism and a death and "newness of life." (Rom. vi., 3, 4.)

ocean cannot wash in its floods." In Sophocles we read, "Nay, not all the stream of Istros or of Phasis I deem could wash this house clean." And, as if in echo, Shakespeare speaks:

Will all great Neptune's ocean wash this blood
Clean from my hand? No; this my hand will rather
The multitudinous seas incarnadine,
Making the green one red.

Nor has Keats forgotten

The moving waters at their priest-like task
Of pure ablution round earth's human shores.

From such passages it is striking to turn and read in Euripides what I believe to be the most modern line in all Greek literature—a line spoken, to be sure, with *double entente*, yet designed to be understood by the hearer in its larger sense. Thoas, the barbarian king, asks Iphigeneia why she wishes to wash the supposedly polluted statue of the goddess in the sea. She replies in a line that might have been written by Swinburne, "The sea doth wash away all ills of men."

As in the preceding poets we found no one conception of the sea supplanting all others, in Euripides this fact is even more noticeable. He was not writing in an age that was just opening its eyes to a new and wonderful world; the Greek genius, when once it had budded, was soon in flower, and Euripides found himself heir to a great legacy of traditional ideas. So we find "a sea of trouble" recurring many times, more as a stock expression than as a spontaneous metaphor. Yet he weighed his expressions with care; for as his faith in the gods of his fathers was an effort, not a natural impulse, so his figures were the tools of an artist, not the carelessly picturesque expressions of the actual observer. Nevertheless, there is in many of his plays a sustained atmosphere of the sea. With a felicitous touch of humanity, he makes the chorus of Argive maidens, in the "Taurian Iphigeneia," exiled far from home, picture their joyous voyage home, Pan piping the stroke and cheering the rowers, Phoebus singing to the lyre, while the oar-blades splashed, and the swelling sail stretched the halliards taut, as the ship swept along.

It is customary to exaggerate the amount of the so-called "modern spirit" that is found in the *Anthology*. Here the

various sea-gods are frequently petitioned for happy voyages, just as in earlier poets, but it is largely as a matter of convention. It is noticeable that the lesser sea-divinities take the place, to a considerable extent, of the earlier and more powerful gods. Thus Priapus and other minor gods are several times thanked for calm weather. Indeed, the heroic and creative age of Greece was gone, and it remained for the Alexandrians to express in faultless verse the modest emotions of their own age. In most cases they worked on a small scale; their pictures were miniatures, their poetic descriptions were verse cameos. Oftenest such bits of nature are used solely for the background of the human drama, and are introduced for their picturesque and atmospheric possibilities.

The most direct relation of the sea to the Greeks of the *Anthology* is expressed by the epitaphs of shipwrecked sailors, sometimes placed over their graves on the shore, sometimes on cenotaphs, and frequently written merely as literary exercises. Most of these epitaphs, however, bemoan the harshness of the sea. "Sailor," reads one, "ask not whose tomb I am, but be thine own fortune a kinder sea." On the other hand, the feeling of love for the sea, which I have already discussed, is brought out in an epitaph, attributed to Plato, on the Eretrian exiles who died far inland in Persia; they cry "farewell, dear sea."

The picturesque side of the sea is reflected in several short descriptions of spring on the coast, treated more from the point of view of Hesiod than with spontaneous lyric enthusiasm. Rarely, a fanciful poet will attribute emotions to the sea, or make it the type of his own experiences, or by an act of imagination lose himself in the sea. So, in a late period, Paulus Silentiarius saw by the convention of an epigrammatic writer the image of his beloved in the sea.

Theocritus treats the sea differently. His descriptions are not those of a self-conscious artist, artistic though they be. They come at first hand from one who has lived in the open air, among a sea-going people. The rugged, gray-haired fishermen that he introduces into his idyls are of flesh and blood; he has been in their wattled cabins, reclined on their beds of sea-moss, and handled their fishing-rods and seines and oars. He has heard them tell their stories and dreams, and has heard from their lips such popular beliefs as that a stone falling into the sea is a good omen.

“ They had no neighbor by them, but ever against their narrow cabin gently floated up the sea.” And that is why Theocritus was able to give such life-like pictures of the sea and its followers—why his *Twenty-first Idyl*, like Wordsworth’s “ Michael,” is more truly pastoral than anything that Vergil, or Mantuan, or Sannazaro, or Spenser could ever write. He had gazed long days at the blue Sicilian sea with its foam-crested waves,—

those graceful, fan-like jets of silver upon the rocks, which softly rise aloft like water-spirits from the deep, then shiver, and break, and spread, and shroud themselves, and disappear, in a soft mist of foam.¹

He knew it, too, in its tempest days :

The winds raise huge billows about the stern, yea, or from the prow, or even as each wind wills, and cast them into the hold of the ship, and shatter both bulwarks, while with the sail hangs all the gear confused and broken, and the storm-rain falls from heaven as night creeps on, and the wide sea rings, being lashed by the gusts, and by showers of iron hail.

Yet it is not only as a spectacle that he saw the sea. He still retained the old mythology, much as Homer had built it, with the same ocean stream and the same gods. But this he did with freshness of touch. His similes, not plentiful, are more sincere than startling. Of this kind is the comparison between the ruinous effects of love and a storm at sea. His figure in which Atalanta leaps into “ deep waters of desire ” may well be compared with the idea of Heine’s “ Lorelei ” and of Goethe’s “ Fischer.”

One might prolong this study far into the centuries that followed; yet among the minor poets of the decline, few gave voice to any new conceptions of the sea. The gamut of their emotions had already been sounded, and they did little more than try new variations on familiar themes. Down to Lucian, whose dialogues burlesque the absurdities of anthropomorphism, and whose “ True History ” parodies with Attic salt the romantic and adventure-seeking tendencies of the day, we find the artless fancy of the sea-lover side by side with the conscious images of the moralist.

If we look in Greek poetry for any one attitude toward the sea, we must be disappointed; there were many conceptions, and few attempts were ever made to distinguish them. But were we to seek for any one conclusion, it would have to be that the Greeks, though often deeply moved by the sea,

¹ Newman, “ Historical Sketches.”

and highly imaginative in their conceptions of its nature, regarded it in general as an external object. For them, man remained the measure of all things; when they animated the sea, it was by anthropomorphism; when they idealized it, the process was in terms of humanity. Though the chorus of the world's life may be in the sea-tide, the chant itself, they believed, is sung by mankind. In this sense, then, we must look at their life, a life spent on the margin of the sea, always mindful of its presence, yet never surrendered to it. So far as the sea was real, it gained its reality by entering into man's life. If it made life terrible, or joyful, or wonderful, the sea was given a place in their world as a thing of terror, or of joy, or of wonder.

But "the blue waves, unconquerable and restless," have lasted while the thoughts of man have ebbed and flowed, and we have sometimes gone to the sea for a touchstone in a too uncertain world. So later ages have loved the poetry that is so full of the ocean's life. It is striking to read that Walt Whitman used to shout Pope's Homer to the waves of the New Jersey coast. And it has been granted to few poets of our age to surpass the poignancy of Mr. Lang's fine sonnet, with its magnificent closing cadence:

So gladly, from the songs of modern speech
Men turn, and see the stars, and feel the free
Shrill wind beyond the close of heavy flowers,
And through the music of the languid hours,
They hear like Ocean on a western beach
The surge and thunder of the Odyssey.

WILLIAM CHASE GREENE.

A GENTLEMAN

BY ARTHUR C. BENSON

"How do you define a gentleman, then?" said the Lawyer, leaning forward, at a certain point of the conversation.

"The gentleman, it has been said, is a man who is never offensive unintentionally," said the Parson.

Two of the guests murmured "intentionally" by way of a correction, and the Parson smiled.

"No," he said, "a gentleman is sometimes offensive when honor and reason demand it, but then he *means* to be. The man who is not a gentleman is often offensive when he does *not* mean to be."

"But is he always a gentleman when he is intentionally offensive?" said the Lawyer.

"The gentleman is," said the Parson with a smile.

"Then," said the Lawyer, "all that your definition amounts to is that a gentleman is a man who is always a gentleman? I admit that; but it doesn't seem to get us much further!"

"No," said the Parson, "it does not get us much further; but that is because we all know a gentleman when we see him, but we cannot always predict how he will behave. I have heard a gentleman say a thing without discourtesy, which was repeated after him, word for word, by another member of the party, and it became discourteous at once. It isn't what the gentleman says or does, it is something behind—intention, attitude, manner, method. The gentleman can say a thing which would be impertinent if another person said it. I will tell you a story to illustrate that. Not very long ago it was desired to have an exhibition of pictures at Cambridge, and King Edward was asked if he would allow some of his collection to be shown. He sent for the Vice-Chancellor, who was a man of great courtesy, told him he would be very glad to lend some pictures, but

wished to know what the exact aim of the exhibition was. The Vice-Chancellor said that the intention was to give the undergraduates the opportunity of seeing some illustrative specimens of the best art, and added, 'And then, sir, we think it might keep some of them out of mischief; it might be a counter-attraction to Newmarket.' The King laughed, and said, 'Newmarket? When I was at Cambridge, I don't think any undergraduates ever thought of going *there!*' That was a piece of delightful conversational fencing, perfectly handled on both sides."

The Lawyer laughed. "Yes, I admit that was very good," he said. "Now," he went on, "I will tell you a story on the other side. There was a well-known writer of comic opera, whose temper at the rehearsals was very formidable. There was a shy chorus girl, who had to sing a bit of a solo. She was very nervous, and she dropped an aspirate or two. The author said with icy patience, 'No, we must have that again! It won't do. You don't pronounce it properly!' The girl sang it again, and it was worse than ever. The author shrugged his shoulders, and said, 'Well, we must do the best we can—I ought to remember that it takes a lady to sing my lines.' The chorus girl lost her temper and said, 'It doesn't seem to take a gentleman to write them!'"

"Bravo!" said the Parson, "that was a girl of spirit!"

"But I am afraid it was hardly an instance of Christian meekness!" said the Lawyer.

"Perhaps not," said the Parson with a smile. "But, after all, conversation is only a kind of game; it isn't a Christian characteristic, if one plays lawn-tennis, to miss all one's adversary's strokes in order that he may have the pleasure of winning."

"We are getting away from the point," said the host. "Do let us pursue the subject. Cannot any of us define a gentleman?"

"The difficulty," said the Parson, "is that the gentleman tends to be the least conspicuous person of a party; he is perfectly natural; he doesn't want to impress any one, or to shine; he is the least noticeable, for instance, in dress, neither slovenly nor over-smart; his clothes need not fit him, but they must be a part of him; they must seem absolutely appropriate, whether they are shabby or new. I am not sure that he is not the person who wants the people he is with to

be happy in their own way; and that will sometimes lead him to say a sharp thing, if any one present seems to be disposed to tyrannize,—because he must have something of the knight about him, and must be able to floor a bully, if necessary; but he must always do it good-humoredly. Do you remember what Jowett said to the man who tried to tell an improper story at his dinner-table, over the wine? He rose and said, ‘Shall we continue this conversation in the drawing-room?’ A gentleman must have spirit and courage, not to show off, but for use, when it is wanted. He must not be wholly meek.”

“It is an interesting question,” said the Lawyer, “whether it is consistent for a gentleman to be a bore.”

“It is just possible,” said the Parson. “There are several kinds of bores. There is the bore who is so much absorbed in his own thoughts that he does not notice that other people are not interested; nor does he very much care; and there is a species of bore—the good-humored bore—who is genuinely anxious that other people should be amused, but does it clumsily; one may love a bore, even though one may dread his company.”

“Must a gentleman be lovable?” said the host.

“Certainly not,” said the Lawyer; “one may have a very fine gentleman indeed, absolutely honorable, chivalrous, unpretentious, perfectly just, who is not lovable at all, who is sustained by his very pride, and even by his contempt for other people, from ever being discourteous to them; not because he owes it to them, but because he owes it to himself; he may have no sort of sympathy for other people, and demand none, but yet be perfectly courteous and kind. I am not sure, indeed, that this does not make the finest sort of gentleman.”

“There!” said the Parson, “that just shows how differently one uses words. That sort of man does not seem to me to be a gentleman at all. Modesty which does not stand for humility seems to me to be very nearly a kind of hypocrisy. A man of wealth and position ought to feel that he is so by a happy accident, not that it is the natural setting for his greatness. Do you remember the picturesque figure of Cluny in *Kidnapped*; the petty state he kept, his dignity, his elaborate courtesy? I always feel Cluny to have been an old snob behind it all, with his gossip about Prince Charlie, and his suspicion about affronts. Robin Oig was

just the same; he was very polite to David Balfour, because he thought that he was of some reasonable degree of nearness of kin to Balfour of Baith. But when the boy did not know anything about his family, Robin turned on his heel and muttered that he was a kinless loon that didn't know his own father. I am not sure that I do not think that pride of birth is the most ungentlemanly thing in the world."

"That isn't the current opinion," said the Lawyer.

"No," said the Parson, "but that is because in England we rank people horizontally instead of vertically. One finds gentlemen in every sort of class; and a man can be very well-born and very ill-bred, like Byron. A gentleman can be neither proud nor vain; he must meet every one with quiet, friendly, kindly dignity. You must feel absolutely sure of him, sure that he will never do a mean or a spiteful thing. I think a gentleman can hardly escape being a good man, because the essence of wickedness is injustice, and a desire to have more than your share; a gentleman must be liberal, though not profuse; he must be simple, full of good-will, with no condescension, and still less ostentation. The essence of it is an artistic kind of social justice, I believe, taking people as they are, finding one's circle ready-made; a gentleman never wants to migrate out of his class, and I don't think he can be allowed to have ambition. He must be set on making the best of life as it is, at every moment of the day; he must be always aware of the drift of other people's thoughts and moods, and he must never set his own mood against theirs. In fact I believe it is a blend of sympathy and self-possession."

"Well," said the Lawyer, "you may be right, but I confess to feeling it all rather flat. I really don't think I know any one who would consider himself a gentleman on those lines."

"You have hit it," said the Parson, "the point of the whole thing is that no gentleman ever thinks whether he is or is not one."

ARTHUR C. BENSON.

SOME IMPLICATIONS OF BERGSON'S PHILOSOPHY

BY LOUISE COLLIER WILLCOX.

WHEN a philosopher, accepted by the Academical, reaches the stage at which four hundred and seventeen books and pamphlets are written about his philosophy in twenty years; when thousands of people are turned from the doors of his discourses in both Paris and New York, and women's clubs clamor to hear him explained, it is quite time to find out what elements in a serious thinker have also gone to building up his popularity.

One can always take it for granted that it is not the serious and coherent thought that has appealed to the multitude. One has only to see how Bergson's name figures in the religious reviews to realize that what the rank and file have found in him for their solace is a reason for the faith that is in them. The world in its wild whirl toward democracy is more and more impatient of authority and less and less willing to accept one mode of thought as more convincing than another. Democracy believes in itself; not in authority. It accepts snap judgments as readily as the result of years of precisely worked out theory of life.

Probably the first reason to offer for Bergson's amazing vogue is that the people—the people with a big P—of whom our great ex-President so often volubly speaks—believe in their own feelings, and in reading Bergson they identify their spontaneous emotions with Bergson's intuitions. Secondly, mankind cannot and will not live without hope, and so far as they can follow Bergson's theory of creative evolution they derive hope from it. Again, Bergson is one of the few great philosophers who do not shy at the word God, and so long as we have with us the humble, the meek, the poor-in-spirit, we shall have with us also that word, or some equivalent for that word.

Even those who have read Bergson so superficially that they have overlooked his use of the word still feel that it is implicated in his entire setting forth of the processes of life. In vain will Dr. Dewey, with his cold, relentless logic, insist that if the traits which he alleges demarcate perception, and the objective material with which it deals from a reality marked by genuine presence of temporal considerations have disappeared, then Bergson's whole theory of time, memory, and mind, as things inherently sundered from organic action, must be revised. This is the thesis Dr. Dewey undertakes to make clear in his *Perception and Organic Action*. But alas! he writes in a language unknown to the people, and pleads for results which run counter to the prejudices and innate demands of all humanity.

The one great tragedy of all human life is isolation; the one great solace of the human soul is solidarity or the feeling of being bound to other souls, to other systems, to other ages. Why otherwise this age-old tendency of mankind to find a common power to serve, cajole, fear, and finally love? Why otherwise this increasing search to find our world bound up with other worlds, our time to all times, our system to greater systems? "The soul," as Maeterlinck says, "is very lonely." This is one of the most fundamental emotions of life. Whatever philosopher then can meet this emotion with hope and promise offers consolation. And is it not solace, and always and ever solace, that "the damned human race," as Mark Twain lovingly called it, is reaching out for?

Doubtless the solace Bergson gives is not so immediate or so vital as the uninitiate who read him believe. But he offers a handle to all the spiritualistically inclined when he says:

Things and states are only views taken by our mind, of becoming. There are no things, there are only actions. . . . Now I have every reason to believe that other worlds are analogous to ours, that things happen there in the same way. . . . Now if the same kind of action is going on everywhere, whether it is that which is unmaking itself or whether it is that which is striving to remake itself, I simply express this probable similitude when I speak of a center from which worlds shoot out like rockets in a fireworks display—provided, however, that I do not present this center as a *thing*, but as a continuity of shooting out. God thus defined has nothing of the already made; He is unceasing life, action, freedom. Creation so conceived is not a mystery; we experience it in ourselves when we act freely.

He continues:

That new things can join things already existing is absurd, no doubt, since the *thing* results from a solidification performed by our understanding, and there are never any things other than those that the understanding has thus constituted. To think of things creating themselves would therefore amount to saying that the understanding presents to itself more than it presents to itself.

Now what average man draws from this is that matter, that terrible weight under which creation grows and travails, is the slave of the spirit and to be controlled by the spirit and understanding, which is the sole hope of man. Life is a great spiritual movement, of which materiality is the inverse movement; the matter which forms a world is an undivided flux—but undivided also the life (or spirit) that runs through it, cutting out in it living beings all along its track.

This gives men the sense of the unity of spirit and spirits' unified striving, which is consoling.

Again, in a world where freedom so often seems a dream and where so many philosophies leave us thinking of ourselves as petty automatons, it is comforting to read:

Let us seek in the depths of our experience the point where we feel ourselves most intimately within our own life. It is into pure duration that we then plunge back, a duration in which the past, always moving on, is swelling unceasingly with a present that is absolutely new. But at the same time we feel the spring of our will strained to its utmost limit. We must by a strong recoil of our personality on itself gather up our past which is slipping away, in order to thrust it, compact and undivided, into a present which it will create by entering. Rare indeed are the moments when we are self-possessed to this extent: it is then that our actions are truly free.

Here, then, is a partial reinstatement of human freedom, not so different, indeed, from the freedom we have always believed in. If we sum up our past, if we get an idea of it as a whole, and then with all the consciousness and understanding and will we have gained push on to the present moment, we do freely create it.

One more point of solace in Bergson's philosophy is the sternness with which he has shown the intellect its place. It is a valuable instrument for advising as to immediate action, but it has never given us an inkling as to the ultimate nature of reality. That which lends us the sense of reality is the power within which the average man, and even more—all women—trust.

Instinct is sympathy. If this sympathy could extend its object and also reflect upon itself, it would give us the key to vital operations—just as intelligence, developed and disciplined, guides us into matter. For—we cannot too often repeat it—intelligence and instinct are turned in opposite directions, the former toward inert matter, the latter toward life. Intelligence by means of science, which is its work, will deliver up to us more and more completely the secret of physical operations; of life it brings us, and, moreover, only claims to bring us, a translation in terms of inertia. . . . But it is to the very inwardness of life that intuition leads us—by intuition I mean instinct that has become disinterested, self-conscious, capable of reflecting upon its object and of enlarging it indefinitely.

Only technical philosophers can pick flaws in Bergson's logic, but the average interested reader will come from him consoled and strengthened, realizing that he has had restored to him faith in the intuitions which have always seemed to him to lie deeper than his logical reason; belief in freedom and responsibility, and finally rescue from a hopeless isolation. He has, indeed, given men more power to act and to live. For, reading him, we feel

ourselves no longer isolated in humanity, humanity no longer isolated in the nature that it dominates. As the smallest grain of dust is bound up with our entire solar system, drawn along with it in that undivided movement of descent which is materially itself, so all organized beings, from the humblest to the highest, from the first origins of life to the time in which we are, and in all places as in all times, do but evidence a single impulsion, the inverse of the movement of matter, and in itself indivisible. All the living hold together and all yield to the same tremendous push. The animal takes its stand on the plant, man bestrides animality, and the whole of humanity, in space and in time, is one immense army galloping beside and before and behind each of us in an overwhelming charge, able to beat down every resistance and clear the most formidable obstacles, perhaps even death.

When a great philosopher can speak to other philosophers with authority, and yet with an eloquence and a power which reach the average man, and can honestly offer the bread of life, Hope, there is no further need to account for the four hundred and seventeen volumes written about him in the last twenty years.

LOUISE COLLIER WILLCOX.

MUSIC AND DRAMA

SIGNIFICANT HAPPENINGS OF THE MONTH

The Irrubrical Schönberg and his Extraordinary Music.—“Don Quixote”
and—Massenet

BY LAWRENCE GILMAN

THE most difficult problem that Art presents to the human intelligence is one that is never permanently solved: we mean the problem of the innovator, the path-breaker, the smasher of idols. It is a problem of unexampled difficulty because it is eternally recurrent. It was not settled when the world, three hundred years ago, first repudiated, then accepted, the harmonic irreverences of Claudio Monteverde; it was not settled when, later on, it went through substantially the same performance with Beethoven; or when, still later, it balked at, then embraced, Richard Wagner; and after him, Richard Strauss (over whom, it is to be noted, many of the faithful are still rather painfully gagging). It is all because of the deplorable fact that the Progressive of to-day, be he ever so liberal, enlightened, and receptive, is the Conservative, the esthetic Stand-patter, the Obstructionist, of to-morrow. Those who, a quarter-century ago, welcomed, extolled, and promoted the heterodoxies of Wagner, who yesterday were shamefacedly uneasy over Richard Strauss and Debussy, to-day are openly and vehemently hostile to the irrubrical Arnold Schönberg—who happens to be the conspicuous idol-breaker of our time. There is no help for it: the difficulty is inevitable. However responsive, however flexible, however hospitable we may be, there is bound to come an hour when some new voice will speak out of the art that is contemporary with us in a tongue that is alien and repugnant; and we shall find ourselves exclaiming against it as passionately, with as sincere a conviction that we are defending the most sacred and immutable canons of

art against a ruthless violator, as did our grandfathers against the iconoclast who is to us a classic. What is being said to-day of Schönberg—that he is “lifting the art of music from its ancient foundations, which have upheld it since the night of time, and setting it upon new ones”—is what, in substance, has been said of every innovator of the past.

What is one to do about it? Nothing—except to petition the gods for wisdom and forbearance and spiritual humility, the while one utters frankly, after due fasting and prayer, the conviction that is within the soul.

For example, there is the case of Schönberg, the idol-breaker whom we have already mentioned. Let us confess at once that we hold no brief for Schönberg; we are not of the cult. Nor are we of the opposition. We should like nothing better than to be thrilled by this extraordinary music-maker, though as yet—but we shall come to that later. The point is that Schönberg (who is a sober and industrious Viennese of forty) is causing many of us, his contemporary auditors, to display precisely the same spiritual rigidity, to indulge in precisely the same opposition and contumely, for which we so complacently upbraid those who, half a century ago, witnessed the unsettling procedures of Richard Wagner; the only difference being that we have an uncomfortable suspicion that we may be making asses of ourselves, whereas the anti-Wagnerites of fifty years ago had no such self-conscious and morbid misgiving, but went about their solemn business of upholding the eternal verities of art with a perfect and invincible assurance of rectitude. It is, as we have observed, an everlastingly recurrent comedy—this comedy of the innovator and his wrathful contemporaries; and of all comedies of the intellect, what other is equally delectable and piquant? If the more ardent of the Schönbergites choose to claim that he is a revolutionist of Wagnerian girth and stature, what—in case we don't think so—are we going to do about it? There are three courses open to us: We can unqualifiedly or equivocally deny it, and thus incur the possible derision of a posterity that may reverse us; or we can yield our sincerity and join enthusiastically in the triumphal chorus, running the equally possible risk of being set down by our grandchildren as credulous dupes; or we can refuse to commit ourselves—which is both dishonest and cowardly. Which brings us to some considera-

tion of the occasion of these remarks: the recent performance by the Flonzaley Quartet (a performance of incredible virtuosity) of Schönberg's string quartet in D-minor, opus 7.

Schönberg is easily the most "modern" of the moderns—the most venturesome, the most flagrant in his disregard of all the rules of the game. He has been called a madman. He has passionate adherents, and equally passionate opponents. When the D-minor quartet was first played in Vienna, as Mr. Kurt Schindler relates in his entertaining brochure on the composer, the audience indulged in "one of those sensational 'Hetzen,'—a kind of stampede characteristic of the Viennese, when they tried by hissing, stamping, and ridicule to stop the performance of the players." And this quartet is by no means Schönberg at his most typical—it dates from 1905, and is of the composer's "second period" (for, like Beethoven, Schönberg has already attained to the dignity of having his work divided into "periods" of differing characteristics). There is a "third period"—Schönberg's latest phase; and it is particularly the works of this period, as Mr. Schindler remarks, that have provoked such a storm of indignation and protest in Europe; for in these latest compositions "all precedents seem abolished—we enter a *terra incognita*, to all appearances an utterly barren, desolate, unfriendly land, the musical Antarctic, so to say." We have heard some of the music of this "third period," and we heartily agree with Mr. Schindler that it constitutes an esthetic *terra incognita*—of this we shall have a word to say later. As to the D-minor quartet—the first characteristic example of Schönberg's writing that has been heard in New York—there is this to be said at the start: parts of it, as the adagio and the final pages, are beautiful with a beauty that is as an open book—a beauty that no sensitive hearer will fail to perceive; a beauty that is grave and exquisite, that enlarges the spirit and lingers in the heart. These pages we can all gladly and uncompromisingly acclaim—as the perplexed and angry public of Wagner's lifetime used to except and accept, with a relief that is now comically pathetic, the bridal music in "Lohengrin," the Spring Song in "Walküre." But it is not this aspect of Schönberg that is in question—it is not because of such things as these that he is an "issue," a Burning Question, in contemporary music. The essential, the problematical, Schönberg is to be found in the first section of this quartet.

in—as Mr. Schindler meticulously warns us—“the opening ten minutes” (the quartet takes fifty-two minutes to perform). It is while listening to these initial pages that even the most imperturbable of “modernists” receives a shock.

It is not easy to describe the peculiarity of these passages to those who do not understand the special terminology of music. And as very few cultivated men or women who are not musicians ever take the trouble to approach music on its intellectual side, we find ourselves somewhat at a loss in the matter, since we are disinclined to turn these remarks into an elementary treatise on the art of composition. Let it suffice to say that with Schönberg the art of polyphonic writing—which, traditionally, means the art of combining a number of different melodies so that they will form a coherent and euphonious whole—is transformed into something the like of which was never heard on sea or land. Richard Strauss, who in his operas and tone-poems often makes the various instruments of his orchestra sing many different melodies at once, has achieved combinations of extreme audacity. But even Strauss has some concern for the resultant effect of his part-writing, which is always interesting, often thrilling, and sometimes ravishingly beautiful. Schönberg has apparently no such concern. His ideal, it has been said for him, is “absolute independence of part-writing”; and this he has assuredly achieved. The different melodic voices in his instrumental choir proceed upon their several ways with a nonchalant indifference to the resultant effect that is both staggering and amusing in its cool effrontery. The sounds that issue from the four viols in the opening pages of this quartet are without precedent or parallel in music.

We have heard, besides the D-minor quartet, the group of short pieces for piano which belong to Schönberg’s “third period.” In these the uncouthness, the grotesque homeliness, the apparent harmonic insanity, which characterize the opening pages of the quartet, are even more marked; and here they seem to be deliberately contrived, instead of being simply the result of independent part-writing, as in the earlier composition.

We have tried to like this music (we are considering it only in its typically Schönbergian aspects)—we have earnestly desired to be moved by it, to find in it power or eloquence or beauty; but we have not succeeded. It seems to us

immeasurably dull. We do not say that it is ugly, for ugliness in music is often fascinating; we say merely that it is dull, flat, homely, and insipid. Its dissonances do not bite—they have no poignancy, no tang, no savor. There are dissonances in Strauss, in Debussy, in D'Indy, that are as uncanonical as anything in Schönberg; yet they have something besides mere harshness; they have force, vividness, grip—they do not easily fade from the memory. Who that has sensitively heard it can ever forget the effect of that terrific passage in "Salome" which accompanies the delivery of the Forerunner's severed head to the daughter of Herodias! *There* is an effect of dissonance that has feeling, eloquence, power. We mislike the Schönbergian audacities not because they are so flagrant, but because they are so ineffective. They lack intensity, they lack ecstasy—for there can be an ecstatic quality in ugliness as well as in beauty.

There is no question of Schönberg's sincerity or of his complete seriousness. He is not writing to make the bourgeois sit up—all the testimony of those who know his life and his characteristics points away from that convenient hypothesis. He writes as he does because that is honestly the way he feels. Is the flat uncouthness of those dully cacophonous pages in the piano pieces full of meaning and eloquence to him? Does his ear—perhaps finer and more acute than ours—discern in them a beauty that is beyond our range of perception? In this perplexing matter we cannot fall back upon the oft-quoted dictum of Berlioz, so comforting to many, that "whatever [in music] produces a good effect is good, and whatever produces a bad effect is bad." Never was there a famous generalization that more inanely begged the question; for, as some one should have asked the sapient Berlioz, who is to say whether the "effect" is "good" or "bad"? Obviously, it may be for one hearer "a good effect," for another "a bad effect"; who is to decide which is the true estimation?

Is Schönberg, then, a revolutionary genius, or is he not? We are uninformed. We have not a trace of hostility toward him. He does not fill us with alarm, or outrage our convictions. We do not know whether he is upsetting the ancient foundations of musical art or not, and we do not care—we should not mind if he turned them upside down, so long as he stirred us, or filled us with awe, or made us dream. Our

chief, indeed our only, objection to him is that we find him dull.

The last man in the world who should have attempted to set "Don Quixote" to music was Jules Massenet. "Don Quixote" is nothing if not noble: Massenet, as a composer, did not know the meaning of the word. "Don Quixote" is deeply human, deeply tender: Massenet's humanity and tenderness were never more than skin-deep. The humor of "Don Quixote" is the profoundest, the most philosophical, the most touching, in all literature: the humor of Massenet was superficial, brainless, unaffecting.

There have been many attempts at a tonal setting of Cervantes' incomparable romance. Massenet's is merely the latest, and it surely must be the most futile! It is based upon a comedy made out of Cervantes' book by the French shoemaker-poet Jacques le Lorrain, and turned into a libretto by Massenet's industrious co-worker, Henri Cain. It would not be easy to say which is the worse, Cain's libretto or Massenet's music. Probably the music is the more affronting; for few take seriously the action or text of an operatic story, whereas the music is inescapable.

There is no need to discuss seriously the libretto of this precious opera. It is not only one of the poorest that has ever come under our notice, but it cannot help but be an exasperation and an offense to any lover of Cervantes' story. It is enough to say that virtually none of the poetic, dramatic, and emotional elements of the original are to be found in this debased and dilute paraphrase.

As for Massenet's music, it merits the dignity of characterization only because its composer was a man of great prominence, and because it has received the wholly undeserved honor of a hearing at the Metropolitan, where the opera was given lately by an able and hard-working troupe of artists—the Chicago-Philadelphia Opera Company, who should have been occupying their time and talents with something more rewarding. It is sufficient to observe that in this score Massenet is at his worst. The music is without beauty, without force, without characterization, without fine feeling or fine humor; wholly without imagination. Of the nobility, the idealism, the rich comedy, the insupportable pathos, of the original, there is no hint whatsoever. The invention throughout is feeble, trite, paltry. It has all of Massenet's

familiar superficiality, triviality, and watery sentimentalism; and hardly anything of his better qualities: his grace and finesse, his sensuousness and his occasional passion—the sensuousness that is too often ignoble, the passion that is too often of the boudoir.

The opera as a whole is a miserable, a discreditable, travesty. It makes one long to hear again the one setting of “Don Quixote” that achieves the feat of translating Cervantes into tone: the superb and outrageously misunderstood tone-poem of Richard Strauss—music in which all that is most lovable, most touching, most noble, and most profound in the great comedy (or is it a tragedy?) finds its perfect complement; a setting that is beyond all praise for its fidelity and eloquence; a masterpiece among masterpieces.

LAWRENCE GILMAN.

THE BOOK OF THE MONTH¹

BY F. M. COLBY

MR. CHESTERTON in times past has argued ably for the superficial aspect of things, saying truth lay on the surface, and the first glance was the best. He has been very consistent in the application of this principle, and has seldom stopped to think a second time. This at one time occasioned much scandal among serious reviewers, who, having no notion of the latitude of literature, damned him for literal inexactitude. It was especially noticeable in our own country, where literary "culture," being rare, is enormously conscious of itself and meticulous. For five or six years after Mr. Chesterton began writing his agreeable fantasies, serious American critics continued to lament that they were not judicious. I remember that on the appearance of a particularly riotous and amusing volume of his, one of them remarked that Mr. Chesterton had already published several books "at an age when many a scholar is, with much self-questioning and many doubts, first venturing to contribute of his accumulated treasure toward the enrichment of the world's thought." For a long time it was necessary to explain to those academic and literal-minded persons that Mr. Chesterton was not a scholar or a guide or a counselor, and not at all the sort of man who could safely be made Professor of English Literature or the editor of the *Chicago Dial* or the Commissioner of Education, and yet should not be spurned utterly, for all that. And for a long time it did no good whatever. They merely hissed "impressionist" and "mountebank," and said he had formed the habit of standing on his head. Many critics would make that last remark with an air of great bitterness, yet without offering a shadow of proof that they had put their own heads to any

¹ *The Flying Inn*. By Gilbert K. Chesterton. New York: John Lane Company, 1914.

better use. His *Heretics*, for example, was condemned by stern London judges for blasphemy because it implied that St. Peter was a "snob," and Mr. Chesterton was warned that henceforth his books would be excluded from respectable homes.

Times have changed, and nowadays he seems to be read in a more care-free spirit. Fewer people resort to him solely with a view to mental growth or moral fortification, and dignified reviewers generally confine themselves to saying how breathless he leaves them. They return from each new book as from a snowball fight with a grandson. Thus this latest volume, *The Flying Inn*, is generally acclaimed as "merry," "mad," "hilarious," "dizzy," full of the "wine of laughter," "kaleidoscopic," and a "breathless rush of rollicking nonsense." In this instance these explosive praises are somewhat misleading. The reading of *The Flying Inn* can be achieved with perfect calmness, and may even bring a little weariness to those who have really enjoyed its three predecessors, *The Napoleon of Notting Hill*, *The Man Who Was Thursday*, and *Manalive*.

A reader who is not bored by Mr. Chesterton some of the time probably gets very little genuine pleasure out of him any of the time. For his determination to cause astonishment often leads to a sort of routine in over-emphasis. Page after page is written apparently with no other purpose than that some old gentleman should call him outrageous. There are chapters wherein, apparently, he stops thinking for himself altogether and contents himself with inserting negatives into what he conceives to be other people's thoughts. This is especially true of his essays. "The fundamental fact of our time is the failure of the successful man." "A revolutionist would say (with perfect truth) that coal-owners know next to nothing about coal-mining. But we are past that point. Coal-owners know next to nothing about coal-owning." "We human beings have never worshipped nature; and, indeed, the reason is very simple. It is that all human beings are superhuman beings." These things, scattered all through the pages of his essays, spring too obviously from his horror of sleepiness. He has said somewhere that "a yawn is a stifled yell."

He is at his best when he forgets his vow to set the river on fire, and *The Flying Inn* is too strictly governed by that grim resolve. He has done the same sort of thing before,

and done it better, and it reads in part like rather a forced gesture in self-imitation, reminding one a little of the lamentable case of the Professor in *The Autocrat of the Breakfast Table* who, under unfavorable conditions, tries to repeat his triumph of "The One-Hoss Shay":

I'm the fellah that tole one day
The tale of the won'erful one-hoss shay.
Wan' to hear another? Say,
Funny, wasn't it? Made *me* laugh—
I'm too modest, I am, by half—
Made *me* laugh's though I sh'd split.
Cahn' a fellah like a fellah's own wit?
Fellahs keep sayin'—"Well, now—that's nice;
Did it once but cahn' do it twice."

And when the Autocrat told him tenderly but firmly that he smelt of spirits, "two large tears orbbed themselves between the Professor's eyelids," for it seemed that he had been taking chloroform to have a tooth out, and an alcohol lamp had been spilt on his legs.

The Flying Inn is the fanciful tale of a gigantic mad Irishman who capers about the country with a barrel of rum and a round cheese in order to evade a new law passed by a fanatical government closing all the public houses in the British Isles. Lord Ivywood, after getting his prohibition law through Parliament, closes up an inn called "The Old Ship" on his own estate, but Patrick Dalroy, the Irishman, and the proprietor, Humphrey Pump, seizing the sign, escape with it and with the rum and the cheese. Owing to the loose wording of the law, it applies only to stationary public houses, and they are able to sell liquor at their flying inn, that is to say, wherever they set the sign up. This they do at the most unexpected places—for example, at a hall where a Higher Thought meeting is held, at a model village inhabited by persons who live on medicated milk, and at Lord Ivywood's own door. Any true Chestertonian will readily imagine the loud incongruities of these adventures, the riotous drinking songs shouted on inappropriate occasions, and the persistent tilting at what the author regards as manifestations of the "Modern" spirit in contrast to the spirit of some imaginary past epoch when human nature was altogether different from what it is to-day.

Take, for example, the model village of health-seekers who live on Dr. Meadows's far-famed medicated milk. The

name of it was Peaceways, and it corresponded to what we call a Garden City, with everything in it perfectly hygienic, regular, and monotonous. Dr. Meadows, the founder, had discovered the secret of longevity.

He attracted many pupils and backers among the wealthy and influential; young men who were, so to speak, training for extreme old age, infant old men, embryo nonagenarians. It would be an exaggeration to say that they watched joyfully for the first white hair as Fascination Fledgeby watched for his first whisker; but it is quite true to say that they seemed to have scorned the beauty of women and the feasting of friends, and, above all, the old idea of death with glory, in comparison with this vision of the sports of second childhood.

“Progress in the modern sense,” says Mr. Chesterton in his *Miscellany of Men*, “is a very dismal drudge; and mostly consists of being moved on by the police.” This view pervades the present volume, which, apart from the story, is a satire on a series of modern notions and movements—philanthropy, teetotalism, vegetarianism, eugenics, religious eclecticism, humanitarianism, sanitary reform, futurism, and many other things concerning which any man who has not happened to read the same magazines and newspapers as Mr. Chesterton will be in some doubt. He has confounded the “modern spirit” with his own more or less accidental experience in contemporaneity, and the result of it is that no one who has not traveled the same route can make out in all cases the butt of his ridicule. Moreover, although the book is marked by a strong desire to make fun, it betrays some indecision as to what actually is to be made fun of. It is as if he had got himself into high spirits in a great hurry and without finding a suitable object on which to let them go.

The nonsense rhymes are the best part of it.

Before the Roman came to Rye or out to Severn strode,
The rolling English drunkard made the rolling English road.
A reeling road, a rolling road, that rambles round the shire.
And after him the parson ran, the sexton, and the squire,
A merry road, a mazy road, and such as we did tread
That night we went to Birmingham by way of Beachy Head.

His sins they were forgiven him; or why do flowers run
Behind him; and the hedges all strengthening in the sun?
The wild thing went from left to right and knew not which was which,
But the wild rose was above him when they found him in the ditch.

God pardon us, nor harden us; we did not see so clear
The night we went to Bannockburn by way of Brighton Pier.

Lord Ivywood, who evidently represents the spirit of "modern enlightenment" and "advance," wishes to combine all that is good in the religions of both the East and West. Specifically he aims at the union of Islam and Christianity in a new and better type of faith, which the mad Irishman calls derisively "Chrislam." Lord Ivywood is an evolutionist, an apostle of "relativity," with so open a mind that almost anything can get into it, and he becomes possessed with the idea that England should be Orientalized—mainly on vegetarian and teetotalistic grounds.

I shall always give a high place, said he, as Islam has always given a high place, to that figure, mythical or no, which we find presiding over the foundations of Christianity. I cannot doubt that the fable, incredible and revolting otherwise, which records the rush of swine into the sea, was an allegory of his early realization that a spirit, evil indeed, does reside in all animals in so far as they tempt us to devour them. I cannot doubt that the Prodigal leaving his sins among the swine is another illustration of the great thesis of the Prophet of the Moon. But here, also, progress and relativity are relentless in their advance; and not a few of us may have risen to-day to the point of regretting that the joyful sounds around the return of the Prodigal should be marred by the moaning of a calf.

Interspersed with this sort of thing we have by way of refutation the songs of the peripatetic inn-keeper:

God made the wicked Grocer
For a mystery and a sign
That men might shun the awful shops
And go to inns to dine;
Where the bacon's on the rafter
And the wine is in the wood,
And God that made good laughter
Has seen that they are good.

The righteous minds of innkeepers
Induce them now and then
To crack a bottle with a friend
Or treat unmoneyed men;
But who hath seen the Grocer
Treat housemaids to his teas,
Or crack a bottle of fish-sauce,
Or stand a man a cheese?

Why in the end Lord Ivywood turns out a hopeless lunatic while the mad Irishman is revealed as the type of perfect

sanity will be clear to any one who recalls Mr. Chesterton's doctrine that logic in human affairs leads straight to the madhouse, whereas the divine inconsistencies of the Christian faith are the only sure guides in practical living. It resounds with the usual Chestertonian exaggerations, which I suppose the author defends on the ground that a hot half-truth is better than a cold whole one.

There is some excellent caricature of types with which he is manifestly familiar—especially in the domain of political journalism. For example, there is the gentleman, “known by what seemed to the non-journalistic world the singular name of Hibbs However.” No one could have conceived this character who had not absorbed a great many leading articles in the *London Times*. The nearest approach to him in this country is the conspicuously “safe and sane” editorial writer on newspapers that represent the “better element.” The nickname arose from “the almost complicated caution with which all his public criticisms were qualified at every turn.”

As his salary grew larger (for editors and proprietors like that sort of thing) and his old friends fewer (for the most generous of friends cannot but feel faintly acid at a success which has in it nothing of the infectious flavor of glory) he grew more and more to value himself as a diplomatist; a man who always said the right thing. But he was not without his intellectual nemesis; for at last he became so very diplomatic as to be darkly and densely unintelligible. People who knew him had no difficulty in believing that what he said was the right thing, the tactful thing, the thing that should save the situation; but they had great difficulty in discovering what it was. In his early days he had had a great talent for one of the worst tricks of modern journalism, the trick of dismissing the important part of a question as if it could wait, and appearing to get to business on the unimportant part of it. Thus, he would say, “Whatever we may think of the rights and wrongs of the vivisection of pauper children, we shall all agree that it should only be done, in any event, by fully qualified practitioners.” But in the later and darker days of his diplomacy, he seemed rather to dismiss the important part of a subject, and get to grips with some totally different subject. . . . He was just as likely to say, “Whatever we may think of the rights and wrongs of the vivisection of pauper children, no progressive mind can doubt that the influence of the Vatican is on the decline.” His nickname had stuck to him in honor of a paragraph he was alleged to have written when the American President was wounded by a bullet fired by a lunatic in New Orleans, and which was said to have run: “The President passed a good night and his condition is greatly improved. The assassin is not, however, a German, as was at first supposed.” Men stared at that mysterious conjunction till they wanted to go mad and shoot somebody themselves.

F. M. COLBY.

NEW BOOKS REVIEWED

FAMILIAR SPANISH TRAVELS. By WILLIAM DEAN HOWELLS. New York: Harper & Brothers, 1913.

Mr. Howells's fine power of blending subjective impression with clearly visualized fact, yet of distinguishing the two in such a way that neither is the outward truth vitiated nor the personal impression dimmed, is a source of immediate pleasure and of critical admiration to his readers. Things incidentally mentioned become as real as if actually seen, and the comment, the personal view, shades unobtrusively, but never deceitfully, into the representation of the fact itself. The hard reality is evoked, with its emotional effect, its remoter associations, its perhaps joocular or sentimental suggestions, and the momentary circumstances of the occasion—in a mere paragraph or two. We take it all in with extraordinary ease, unconscious of the difficulties of the writer's art, though keenly appreciative of the richness of his style. No other writer, perhaps, is so skilled in reproducing the whole of an experience, as it completely affects us, without straining the medium of expression. Most narratives and descriptions rather artificially analyze and select; but Mr. Howells succeeds to a remarkable degree in conveying all the overlapping and more or less incongruous elements that make up our appreciation of a scene or an event—in other words, he writes like life.

No guide-book enumeration of the places visited by Mr. Howells in the course of his familiar Spanish travels can give anything like a true impression of the book he has written about them; for each paragraph of the book has its own unique quality. In the chance glimpses it gives of human character and behavior, there is as much enjoyment as in the deliberate viewing of the Escorial or the Alhambra. In the following brief, casual description of a wedding party, there is all the best charm of fiction, the charm of a truthful realization that deepens one's sense of such values as those set forth:

"All the faces had the quiet which the Spanish face has in such degree that the quiet seems national more than personal; but the women's faces were oval, though rather heavily based, while the men's were squared, with high cheek-bones, and they seemed more distinctly middle class. Men and women had equally repose of manner, and when the women came to put on their headgear near our corner, it was with a surface calm unbroken by what must have been their inner excitement. They wore hats and mantillas in about the same proportion; but the bride wore a black mantilla and a black dress with sprigs of orange blossoms in her hair and on her breast for the only note of white. Her lovely, gentle face was white, of course, from the universal powder, and so were the faces of the others, who talked in low tones around her, with scarcely more animation than so many

masks. The handsomest of them, whom we decided to be her sister, arranged the bride's mantilla and was then helped on with hers by the others, with soft smiles and glances. Two little girls, imaginably sorry the feast was over, suppressed their regret in the tutelage of the maiden aunts and grandmothers who put up cakes in napkins to carry home; and then the party vanished in unbroken decorum."

To view La Mancha with Mr. Howells and to share with him the warmth of his kindling memories of Don Quixote; to see the Alhambra, or part of it, as it indubitably and somewhat disappointingly is, and yet to feel more than ever before, perhaps, the glamour that Washington Irving has cast over the place—such enjoyments add as much in their way as does fiction or poetry to the richness of the imaginative life that is an integral part of real life.

WITH THE RUSSIAN PILGRIMS TO JERUSALEM. By STEPHEN GRAHAM. London: Macmillan & Company, Limited, 1913.

Mr. Graham's book is much more than an account of an odd journey or the description of a little-known religious ceremony. The reading of it rewards one with the sense of a real experience gained, a real understanding acquired. To go to Jerusalem in the ordinary tourist fashion is one thing: to go there with a boat-load of more than five hundred Russian peasants is quite another. It is the same Jerusalem, of course, and yet it is not. For the pilgrimage takes place, as it were, in another dimension than that in which tourists and ordinary folk move and have their being. We glimpse the common realities of life as shadows, the things of the pilgrimage as the only solid and significant realities. Thus, journeying through the world, yet in a world apart from it, the sincere pilgrim reaches not merely the modern Oriental city of Jerusalem, but the holy city for which his heart yearns.

Mr. Graham traveled among these pilgrims in disguise, and was unhesitatingly accepted as one of them. He joined them at Constantinople on board the ship on which they embarked after long land journeys from every part of Russia. He made friends with them and learned their stories. He talked with the boy from the top of the Urals and came to know the priest, Father Yevgeny, who, in all simplicity and conviction, preached to approving listeners the "gospel of stupidity"—a curious type, this, the priest with a mission, who never shrinks from reproving the impious and manfully confronts the Devil in whatsoever guise he may appear.

And yet, perhaps, Yevgeny is not so hard to understand as the simpler people about him. They are incredible to us at first, these simple, unsophisticated peasants with little coherent or articulate thought in their minds, but with a burning aspiration at their hearts. At home, we are told, they are no better than they should be, some of them—incapable of complex wickedness, surely, yet not necessarily saints. But there is nothing of the mock moral in the impulse that sets their feet on the road to Jerusalem. They live upon crusts, they abstain from tobacco and vodka, they spend their money ungrudgingly for the objects they deem holy, and they endure great hardships cheerfully.

The pilgrim impulse is a thing not easily analyzed or defined; its phenomena are in the first place of psychological interest. "The incurable

drunkard of the village," writes Mr. Graham, "picks himself out of the mire one afternoon, renounces drinking, and starts off for Jerusalem. The avaricious old mouzhik, who has been hoarding for half a century, awakens up one morning, gives all his money to some one, and sets off begging his way to a far-off shrine. The reserved and silent peasant, who has hidden his thoughts from those who loved him all his days, meets an utter stranger one afternoon, and with tears tells the story of his life, and reveals to him the secret of his heart; he also, perchance, starts on a pilgrimage." That is one phase of the matter. If we seek for further enlightenment, we may read the words of Khitrof, "the eternal pilgrim," and learn how the pilgrim-impulse has its origin in a "sweet feeling of the heart," which the peasant experiences first perhaps in his village church; how, as the feeling becomes dulled by contact with the ordinary things of life, he goes to renew it at monasteries and distant shrines, until, wandering farther and farther afield, he goes at last to Jerusalem itself. Says Khitrof: "I have seen many people who have not been to the Holy Land, but I have never seen one who has been once who did not wish to go again." But when we have done our best to understand the psychology of the thing, something is still lacking. We must be mystics, fully to enter into the spirit of the pilgrimage, and even that is not enough: we must have human sympathy. Mr. Graham knows how to make us feel with the humble people he describes, and there is no denying that contact with these simple and faithful souls is somehow steadying and uplifting. We respond, also, to the symbolism of the whole affair. Through it all, despite sordid surroundings, runs a sense of the majestic and the beautiful.

Yet the author is far from losing himself in vague reveries; few writers show a firmer grasp of reality than he. In the picture he paints, every space not required by the main figures is filled with significant detail or comely decoration. Scraps of conversation, odd incidents, facial expressions, costumes, habits, phases of character, all are made vivid and actual. Picturesquely he visualizes the larger scenes of the journey: the storm at sea, the march to the Jordan, the bathing in the sacred river, the Easter ceremonies at Jerusalem, the kindling of the sacred fire—always doing equal justice to the intensity of the inner and that of the outer life.

MY LIFE WITH THE ESKIMO. By VILHJALMUR STEFANSSON. New York: The Macmillan Company, 1913.

There are narratives of exploration which equal this of Stefánsson's in the excitement of adventure, and in scientific interest as well—though seldom does an ethnological discovery so stir the imagination as that of the "blond Eskimo" who dwell on Victoria Island—but there is hardly another book of any sort which brings the reader into such close and sympathetic contact with the primitive mind—with the civilization of the stone age. Stefánsson lived the life of the Eskimo more fully than has any other explorer; in their intercourse with him they were not at all subject to the restraint that leads them to conceal their real thought from the missionary whose disapproval they fear, or from the trader whose ridicule they shun. Consequently, when he writes of their character, their minds, religious beliefs, habits, or folklore, he does so with an obvious insight that evokes interest and belief.

The impression of Eskimo human nature which became fixed in the mind

of the explorer was that "they are the equals of the best of our own race in good-breeding, kindness, and the substantial virtues. They are men and women of the Stone Age, truly, but they differ little from you or me, or from the men and women who are our friends and families. They are not at all what a theorist might have supposed the people of the Stone Age to be, but the people of the Stone Age probably were what these their present representatives are: men with standards of honor, men with friends and families, men in love with their wives, gentle to their children, and considerate of the feelings and welfare of others." The fact that the most ancient human remains resemble, in proportion of skeleton and form of skull, the frames of modern men, confirms in a measure this interesting and philosophically significant opinion. But intellectually the Eskimo differs from the European in just those unexpected ways which the unaided theorist can never grasp. In his discussion of what he justly calls Eskimoized Christianity, the author strikingly illustrates the enormous but too often unsuspected difference that may lie between what words mean to the one who utters them and the form they may assume in the mind of the untutored hearer. The native Eskimo religion consists in a belief in spirits, with which is associated an elaborate system of taboos, covering nearly every act of a man's life. In the Eskimo tongue the word for "wise man" really signifies one who knows a large number of taboos. The point of view which this implies is irremovable. Thus, a thoughtful Eskimo told Stefánsson that some of his friends were in the habit of maintaining that the white men are less intelligent than the Eskimo, but for these he had a crushing rejoinder; he pointed out that while the Eskimo knew many taboos, it had never, before the coming of the white man, occurred to any of them that a *day* might be a taboo. The conception of Sunday thus proved the white man's superiority. The Eskimo, too, are of the opinion that the white man's prayers, though efficacious, are, like his rifles and other goods, subject to deterioration—a belief that may seem less naïve when we remember that the ancient Greeks in their discussion of immortality were inclined to question not so much the existence of the soul as the possibility of its wearing out. On one occasion Stefánsson noticed that certain Eskimo who had recently listened to a sermon enforcing the commandment not to tread in the footsteps of the wicked, carefully avoided following directly in his trail. Illustrations of the sort might be multiplied. Of prime importance to the student of early religious thought is the account of the Eskimo doctrine of guardian spirits whereby the spirit of some one recently deceased is supposed, after due invocation, to inhabit the body of a child and to remain in charge of it until the child's own soul has arrived at maturity. Thus Eskimo children are never forbidden anything—not, as has been supposed, because they are peculiarly well behaved, nor because their parents are peculiarly fond of them—but for fear of offending the guardian spirit. Next, perhaps, to religion, in a study of the primitive mind, stands language, and the concise account that Stefánsson gives us of the Eskimo tongue, with its novel structure, its complex accidence, and its surprising power of expression, is enough at least to rouse the average reader from the sloth of preconceived opinion. But the book is full of psychology and human interest, and of clear-cut observation of many different kinds. On minor matters it is as illuminating as upon greater ones. We learn, for example, that the Eskimo's endurance is not really as great as the white man's; that neither the Indian nor the Eskimo carries "a compass in his

head," but that each is more liable to lose his way in a strange country than the experienced Caucasian explorer; that dogs have really no scruple against cannibalism, but simply object, like humans, to a change of diet; and many other definite truths that seem to lift from the mind a proportionate weight of tiresome commonplace.

As to the "blond Eskimo" the unlearned reader, at least, will find it difficult, after looking at their photographs and reading the text concerning them, not to believe that these people are of European descent. As to their precise origin, the author, after a review of the available historical evidence, concludes that "if the reason that the Victoria Island Eskimo are European-like is that they are of European blood, then the Scandinavian colony in Greenland furnishes not only an explanation, but the only explanation."

HIGHWAYS AND BYWAYS IN THE BORDER. By ANDREW LANG AND JOHN LANG. London: Macmillan & Company, Limited, 1913.

To be able to write upon almost any subject entertainingly, in an invigorating spirit, and with a smile betimes, is a gift which was possessed in the highest degree by the late Andrew Lang. Naturally, in the volume under notice this gift would be exerted with more than usual power; for the subject-matter is of the sort that was especially dear to the writer's heart, and in itself that subject-matter is rich and varied. To write dully about the Scottish Border, its scenes and its legends, is something that few have accomplished. Of the *Highways and Byways* it is not easy to determine exactly how much is actually the work of Andrew Lang—only a small part, we are told in the preface—but there is no discernible division in the style or spirit of the book. In the later as well as in the earlier chapters, it has that admirable conversational quality which makes the reader unconscious of the difficulties involved in dealing with a multitude of details. At every point our interest is secured before we are aware, as we are guided through Scottish scenes, instructed in the incidents of Border history, or touched by the echoes of Border minstrelsy. In the earlier pages especially, one seems to see the effect of Andrew Lang's love of supernatural lore; ghost-stories, tales of warlocks and witches, are told with zest and detail. Here and throughout the book the writer seems to disdain nothing that may be of warm and living interest, from trout-fishing to the sack of a town. It makes no difference whether the subject be a bloody Border legend, a page from Froissart, or a necessary summary of historic facts, it is set forth with adequate clearness and a just appreciation of its value; nor is the general effect that of a hodge-podge. In the work there is much more method and skill than appears on the surface. What is grim and grisly in the old stories is handled with truth and tact; we get the effect of romance without any false glamour. There are flashes of wit enough to keep interest alight, and there is much of that human appreciation of character which often finds its best opportunity in dealing with the obscurer sort of historic or legendary personages. We have a kindly defense of Queen Mary in one passage, and in another an account of "Auld Ringan Oliver" that lives longer in the memory. Something of the gift of the old balladists for depicting character through a simple report of deeds and words has crept into the book, and to this essential simplicity is joined the urbanity of a modern man of letters. Places are described with that affectionate en-

thusiasm which Scottish scenes inspire in the Scotch—a sentiment more infectious, and generally expressed with more discrimination, than the corresponding feeling in the hearts of other races. *Highways and Byways in the Border* is a modest enough book, from either a literary or a historic point of view, but one wishes that upon every subject which is capable of being made interesting to the majority of men and women as sound and charming a book could be written. The illustrations, by Hugh Thompson, are appreciative sketches quite in harmony with the tone of the text.

THOMAS HARDY'S WESSEX. By HERMANN LEA. London: Macmillan & Company, Limited, 1913.

The interest of Mr. Lea's comprehensive and pleasant book about the real Wessex which the imagined Wessex of the Hardy novels so nearly approximates is not of the second-hand sort that is said to depend merely upon associations. The connection between the novels and their setting is closer than that word implies; the two are identified. In the novels scenery joins with character and event to cast a spell upon us; in Mr. Lea's book we feel that we are not merely learning the topography of a region upon which fictitious incident and character have conferred a certain interest, but that we are again, and with a different sense of reality, surrounding ourselves with an atmosphere that we like for its own sake. Mr. Lea's book is pleasant reading because it is written with that combination of painstaking care, zest, and lightness of touch which hardly anything but a hobby of real worth can give rise to. Narrative, comment, and description are skilfully interwoven; the conventional guide-book style is avoided, nor is there in the continual allusions to the novels the least suggestion of the cut-and-dried recapitulations of the professional reviewer of books. Still the persons and incidents of the novels are always kept before us and thought of as inhabiting the very spots described. The book, therefore, precise and methodical as it is, does not destroy glamour, but deepens it. Indeed, in thus visiting the real homes and haunts of imaginary persons we are spared the disillusion, the sense of incongruity, that sometimes results from pilgrimages to the former homes of real, historic personages. Here, little has been changed or cheapened. Mr. Lea has gone about his task in quite the proper spirit. He has visited and revisited every spot which he describes; he has read everything of interest there is to read about his subject, except guide-books, which he has conscientiously avoided. He has allowed his thoughts to mature, and he has compressed rather than expanded what he had to say. His book is not merely a geographical commentary upon the novels, but draws its inspiration both from them and from the country itself, thus adding something to the topographical interest which the novels create. When one is not only interested in the "redde man" of the *Return of the Native* as a striking and picturesque person, but is also interested in reddle and capable of feeling all that the use of this primitive coloring matter implies, then Wessex has entered into one's soul. Mr. Lea has produced a book adapted for easy reference, describing much that will ultimately disappear, and giving pleasure to the casual reader. Moreover, such facts as he has collected add a sense of permanence and definiteness to our appreciation of Hardy's novels. Many illustrations, made from photographs by the author, accompany the text.

LETTERS TO THE EDITOR

QUESTIONS ABOUT MEXICAN POLICY

DAVENPORT, IOWA.

SIR,—Introducing myself as a man who has for ten years or more been deeply interested in our neighbors to the south, who has lived with them, traveled about in their country, mingled with high and low, and has learned much about them, but who has no financial interest in Mexico either directly or indirectly, I want to congratulate you on your article in the December REVIEW, which I have only just now read. If more men of prominence, whose voices can be heard and whose writings cannot be ignored, had the courage of speaking out, no doubt public opinion, which means well, but is uninformed, would soon compel a change of policy.

I have for some weeks had lying in my desk a number of questions which I should like to propound to President Wilson, but, knowing from experience that letters from private, unknown citizens find no hearing or probably never reach their destination, I have refrained from sending them. They touch in part a phase which is not receiving much attention, and I take the liberty of intrusting them to you to use or not use, as you elect.

“Do you ever stop to think that the horrible butcheries which are now being enacted in a neighboring country are only made possible by the failure of our government to enforce the neutrality laws?”

“Do you ever consider that it is entirely by means of war material made in this country that hundreds of poor deluded men are being murdered?”

“Do you really believe that in a country where nine-tenths of the people cannot read a ballot a fair and free election by all the people is possible?”

“Do you think it fair to call a man guilty without trial, as is done in the case of President Huerta?”

“Do you believe that the notions of a foreigner should decide who is to be at the head of a nation's government rather than the laws of that land?”

“Do you not know that Huerta is the legal President of the United States of Mexico according to the law of that land just as much as you are the legal President here?”

“Does your conscience absolve you from all responsibility in the untold misery brought about by your refusal to recognize the only government existing in Mexico?”

“Are the bandits and highwaymen devastating the sparsely settled portions of Mexico entitled to the sympathy and help of a people standing for law and order?”

G. H. HINRICHs.

GOVERNMENT MORALS

NEW YORK CITY.

SIR,—Would it not be interesting to the readers of your journal, and instructive in the present general discussion of subjects covered by the most recent Presidential "message," for you to develop this topic, with your great editorial art and command of facts, into a comprehensive article?

The (Federal) Government, considered concretely and apart from any partisan or "administration" aspect, regards itself as the regulator of the morals, business and private, of its citizens, as shown by its conduct of proceedings under the Sherman and other laws of business, and the White Slave act in respect to private morals. Especially as to business ethics, it is seeking to extend its powers of interference, repression, and regulation by arrogating to itself plenary power over issues of securities by railroads, over all the activities of banking and industrial enterprises, to the end that the Government may have veto power over every act of private business and every relation of those that control them. Is the morality of the Government's conduct in its relations with its citizens, private and corporate, such as to commend it as a censor of business or private ethics?

Witness the details of the mail-weighting test that took place in the fall of 1912, preparatory to the inauguration of the "parcels post" system, the purpose of which was to show a profit in the Post-office Department and let the loss fall on the carriers, and the practical effect was to compel the railroads to carry without compensation most of the packages of the nation; that is, the traffic for which the railroads would otherwise have received adequate pay from the express companies they now have to conduct for nothing. Witness, further, the enlargement of that system from eleven to twenty pounds, then to fifty pounds maximum per package, without legal warrant other than executive fiat based upon the power to regulate the carrying out of the law, but which correspondingly increased the burden of the railroads. Had a "trust" been guilty of like conduct in respect of its commercial rivals, what dire penalties of fine and imprisonment would have been invoked by a "righteous" government in relief of the oppressed and in response to outraged public sentiment!

Witness the history of the French Spoliation claims, *after* the receipt of full payment by the United States on behalf of its citizens. Similar conduct by an individual toward those entitled to satisfaction of their claims would be termed "fraud," "embezzlement," or the like, and would be treated as such, by indictment and prosecution upon the procurement of the same benevolent government.

Witness the enactment of pronounced class legislation of pernicious tendency, such as the multiple taxation of industry and thrift under the name of "Income Tax"; or such as the rider in one of the recent appropriation bills, exempting labor-unions and farmers' alliances from a specific enforcement of the "anti-trust" law, now urged as a "precedent" for a general enactment of similar tenor.

Many like instances will doubtless be developed in your fertile mind, without necessarily trenching upon the domain of international affairs—*e. g.*, the situation between the United States and Colombia that led to the Republic of Panama, or the relation of Panama Canal tolls to treaty-rights with other nations—and which will tend, perhaps, to support the view that the business dealings of the Government entitle it to be regarded as the arbiter of private morals only in the sense of "setting a thief to catch a

thief." But a position so extreme would perhaps be inadvisable in an article tending to point out the danger of so great extension of governmental powers, and the futility of attempting to effectuate the moral code by administrative processes.

"JUNIUS."

[We quite agree that the edict of the Postmaster-General increasing the weight of parcels-post packages had no warrant in equity or in law. We believe further that resistance by the railway companies would have been justifiable and successful. . . . It is the intention of the present Administration, we understand and hope, to right the wrong inflicted upon Colombia by President Roosevelt.—EDITOR.]

THE FALSE STEP

JOLIET, ILLINOIS.

SIR,—In the November number of THE NORTH AMERICAN REVIEW you criticized the Administration on account of its responsibility for the "rider" attached to the Sundry Civil Appropriation Bill passed at the last session of Congress, and which exempts organizations of farmers from prosecution under the Sherman Anti-trust Law. The basis of your criticism is that this is class legislation. Your conclusion is undoubtedly correct. In fact, it would seem that it is, as was said by Mr. Taft in his veto of an appropriation bill containing a similar rider, "class legislation of the most vicious sort."

Now, I wish to refer you to an article by Hon. David Jayne Hill, which appeared in the December REVIEW, and wherein it is said:

"The division of men into friends and enemies of Constitutional Government must be based upon the attitude they assume toward its fundamental principle. This principle being the existence of equal and adequate guarantees, by which the life, the personal liberty, and the property of every citizen are rendered inviolate, every person and every organization that aims to secure advantages to the detriment of others must be classed as an enemy to Constitutional Government."

Mr. Hill, of course, states a truism, and the action of the Administration, as described by you, is a matter of common knowledge. How, then, can one escape the apparently logical conclusion that the Administration is not qualified for membership in that class known as the friends of Constitutional Government? Your assistance in affecting such an escape will be greatly appreciated.

DORRANCE DIBELL SNAPP.

[One error does not constitute irremediable sin.—EDITOR.]

MATTERS OF OPINION

SAN ANTONIO, TEXAS.

SIR,—You question the legal and moral right of the President of the United States to say who shall be President of Mexico. This is truly a matter of question, so far as the legal right is concerned, but, so far as the moral right, it is not open for question with any self-respecting nation with a full knowledge of facts and considering that commercial and material matters should not dominate the moral question. Europe was not at all interested in the moral side, only in the material side, so recognized Huerta. As one renegade American located in the City of Mexico very aptly states, "little they cared if Mexico had a democracy or not," and they

were not at all interested in the political aspirations of the Mexican people.

It is to the credit of the American people that President Wilson rose above this, and did consider the whole matter from a moral standpoint and acted accordingly, thus marking a new era in the world's history.

You further state that it is the consensus of opinion all over this country that it would have been the part of wisdom to give Huerta a chance. I question this flatly, for when the events happened bringing about the murder of Madero I asked for the editorial opinions of the leading one hundred daily papers in the United States, and out of the hundred only thirteen favored recognition of Huerta, and since that time, keeping in touch with public opinion in this way, I find that it has not changed, and at the present time President Wilson is backed up with almost a solid public opinion, the great majority of the Press, and by his Congress, and, still further, has brought Europe into line with his policy, a victory in every respect not open to question whatever.

Next I come to your statement that the President's method frustrated his own intent, and instead of eliminating Huerta has riveted him in his place, to be expelled by force of arms. It is only at the end we can judge of this, and the end is approaching and does not as yet indicate anything of the kind. Huerta reminds one of the standpats, and is either unable or will not see the end. Further, he is helped by the lack of real patriotism on the part of the richer classes in Mexico and also by their cowardice. Due to this he, with his army, is able to hold them in check, as the real patriotism is only found among the Constitutionalists. And the policy of the President of the United States is slowly eliminating Huerta, and the force of arms is on the part of the Constitutionalists, and not by the soldiers of Uncle Sam.

(1) The next point I beg the liberty of questioning is the statement that Huerta has been in any way strengthened by the so-called refusal of Governor Carranza to accept any mediatory proposals on the part of the United States. What Carranza really did, nobody knows except the President and his Cabinet and Mr. Hale. That it is possible that Governor Carranza took the opportunity to place himself on record before his own people as opposed to mediation was good politics on his part. The Huerta people have accused him of wanting to form a confederacy out of the States of Northern Mexico, and of being assisted in this by the Government at Washington, for it has been openly stated that the State Department at Washington would favor this move; but Governor Carranza is too wise to be caught in this way, and knows his own people well enough not to even contemplate such a move. In addition, we have seen Carranza gaining ground right along, and Huerta losing, certainly a refutation of your conclusion.

(2) You state that we are confronted by a condition of anarchy, not by a theory of government, and this condition is becoming intolerable.

Now, if the calm treatment of this question on the part of the American people indicates such a condition, I fail to see it, and about the only ones who view the situation as you do in this respect are the foreign colonies in Mexico City, and the interests affected by the war going on, and right here one might say that the present war in Mexico is none of their business, and the further fact remains that it is the Mexican people who are suffering the most and will have the bills to pay, and not the foreign interests. The

damages claimed are absurdly exaggerated, and the settlement at the end will show this.

Commenting on the President's high purpose and his good faith, you state that the policy he sincerely believed in has failed. Here it is well to wait to the end, for it has not come as yet, and only then can this statement be made, but I venture the assertion that it has not failed so far, and that it will not fail in the end.

(3) A reversal of policy is impossible; it would place the American Government in contempt, and, further, it is a point which can hardly be discussed. You say well, however, that we must strengthen somebody, but you say ill when you state there is little choice. The Constitutionalists should be accorded every possible assistance, for they are clearly entitled to it. They have the sympathy of the mass of the people of this country, and they have done nothing to forfeit this sympathy. Theirs is a cause we should have full sympathy with, for it is one of a people securing their rights under the law and to be enabled to enjoy their personal and political liberties. They have been abused and called bandits and robbers, but it remains a fact that only where the Constitutionalists are in control is there order, and where the Federals are in control order is only a cannon's shot from their garrisons. Due to the fact that the mass of the people in Mexico are in full sympathy with them, the Constitutionalists, and, give these same people the right to secure arms, Huerta would be run into the Gulf of Mexico in a month.

(4) Armed intervention would be a shame and a disgrace to our people and their government. Here is Mexico torn by internal conflict, and to the point of exhaustion unable to withstand any armed movement, and to consider a move like armed intervention now would only clinch the statement made by the Latin American people, that the United States was only waiting for the opportunity to seize Mexico.

I beg to submit the above to your kind consideration and ask on your part a more sympathetic treatment of the Mexico case, and I believe a review of the situation in the light of recent events will convince you that this would be the right course. Believe me, with respects,

WILLARD L. SIMPSON.

[(1) Mr. Carranza's statement was made over his own signature. Assuming that deceiving his own people was "good politics," was it good morals? We had not heard that "the State Department" favored separation of the Northern States. It is the bandit Villa who has "gained ground," not Carranza, who still remains in prudent seclusion. (2) Surely the foreign residents of Mexico possess some claim to consideration. If the war is not "their business," how can it be ours? (3) We have seen no reports of disorder in towns held by the Federals. The rebels were accorded the privilege of obtaining arms on February 4th. The month within which Huerta is to be run into the Gulf expires on March 4th. (4) Undoubtedly; but—whither are we drifting?—EDITOR.]

FROM A WOMAN IN VERA CRUZ

VERA CRUZ, MEXICO.

SIR,—I am here in Vera Cruz for several weeks during this period of "Watchful Waiting," which I wish I might feel is as temporary as my stay; but the feeling here is that Huerta is good for many months yet, and

this condition of euphonious alliteration may be extended indefinitely. I suppose it is easier to wait watchfully or watchfully wait in Washington than here. Washington is so far away that only the beauty of the landscape seems to be discernible—the pure white snow of Popocatepetl is apparently all the President and Secretary Bryan can see. Their eyes do not travel down to the hillsides and valleys where people live, or rather, die, these days. They would find another color scheme—a country stained red with blood, mostly of innocent victims, and of some Americans. One would think that the white snows of Popocatepetl would reflect a rosy glow.

Vera Cruz has a floating population which is diverting, often pitiful, people going back and forth to Tampico, ruined families leaving for the States, and business men returning from New York on their way to Mexico and the interior. All are outspoken here, saying what they please in good George Ade English. In fact, there has been so much frankness at the American Consulate that the Consul has been forced to post the following notice:

CRITICISM IN THE CONSULATE OF PRESIDENT WILSON, SECRETARY-OF-STATE
BRYAN, OR ANY OTHER OFFICIAL OF THE UNITED STATES, PRESIDENT
HUERTA, THE GOVERNOR OF THE STATE OF VERA CRUZ, GENERAL
MAAS, OR ANY OTHER MEXICAN OFFICIAL, OR ANY CONSTI-
TUTIONALIST OFFICIAL WILL NOT BE TOLERATED.

ANY ONE VIOLATING THIS RULE WILL BE IMMEDIATELY EJECTED FROM THE
CONSULATE.

By Order,

W. W. CANADA,
United States Consul.

It seemed to amuse one big Texan who had lost his all under Madero's régime and who had, perhaps not in chosen language, expressed his idea of the "Wilson Policy" at the Consulate. He roared with laughter when shown the notice and asked who wanted the job, the three efficient but not physically robust clerks, or the little dog who is so time-worn as to have no teeth. He was tipped back in his chair, recounting this to a group of—may I say rough-necks?—and was sipping a cooling drink. I was talking with two officers from our ships. I suggested that here at last was a shore job for some of our impatient marines and cooped-up blue-jackets; something that would give them exercise and plenty of it, and make them feel like fighting men. But my suggestion was considered frivolous.

There is excitement here now on account of the situation of the banks and the fact that Huerta decreed a legal holiday. This is not to keep the banks from failing. Oh dear, no! It is so that influential insiders will have time to go in the back door and get their money out, with the result that the small accounts—savings and sacrifices of years, perhaps—will go unpaid. I really boil when I think of the sacrifice of the innocent in all this trouble. Our Government has missed its target about as cleverly as any Mexican Federal put into the army the preceding day would miss his. Doubtless our Government wishes to ruin Huerta financially. What happens? Huerta gets all the money there is. The rich people get their money out of the country, and the thousands of poor savers are the ones hit.

Another phase: Our Government orders Americans from Mexico. Whom does it hit hardest? The big mine-owners and other large interests are injured to a certain extent; but it ruins thousands of hard-working Americans and their families, who cannot remain on their farms and plantations

because the United States does not demand of the Mexican Government with *intent to enforce*, either an indemnity or punishment in the case of murdered Americans.

And what happens to the farms and ranches our Americans are forced to leave? They are left to the consuming jungle, or taken over by others. It is hard to say that nobody, unless protected by force, is safe in these parts from drunken Rebels or Federals, according to what they call themselves at the moment; but Germans and Englishmen are infinitely safer than Americans or Frenchmen or Spaniards. Why? Because Americans can be and have been killed and the United States does nothing. One hundred and twenty-seven have been murdered since the Madero revolution began, and not *one* accused man has ever been brought to trial. Not one cent of indemnity has ever been paid, or, apparently, even insisted upon.

Frenchmen can now be killed with impunity, for in some parts they are under the protection (?) of our Nation, and so Mexicans cannot understand why Frenchmen should receive more protection than our own people. (They understand us very little.) Spaniards are always in danger, because Spain has never been in a position to do anything. The Mexicans, therefore, have no respect for a Spaniard. It is the English and Germans who are respected here. Both of these nations force Mexico to live up to treaty obligations, and both have clever men in the capital, well backed by their home governments, to do the forcing. These men do what they say they are going to do, and don't threaten or waste words. We must admit that General Scott's association with these people was successful. He enjoined his subordinates: "Never argue with a Mexican. Tell him." This may all sound bitter. It is not bitterness for myself, for our own particular interests have not been seriously damaged. I am bitter for others; for the suffering, the ruin, the desolation on all sides, and for the anguish of the poorer Mexicans, the innocent victims of this terrible misunderstanding.

On all sides is the question, what is the end? and the simple answer, American Intervention. I dread intervention, for I know what it would mean. I dread it not because I fear resistance, for there would be little of that; not because of loss of life, for I firmly believe the loss of life would be exceedingly small; but I dread it because it is an educational task. That may be what appeals to our President. A never-finished occupation of an immense territory to what end? The effort to force a square block into a round hole; to force a government on these people that they neither desire nor are capable of understanding, and which no more fits them than does our own system fit the mulatto population in President Wilson's State of Virginia.

In spite of our time-honored Monroe Doctrine, Germany secures indemnity and punishment for murders of Germans. We deliver ring-memoranda, antepenultimatums, as Colonel Harvey calls them, and they are utterly ignored. We then announce that we shall watchfully wait. If Americans were not a naturally self-reliant lot here, as elsewhere, with a reputation for efficient and economical use of automatic pistol ammunition, or if the Mexican people did not believe that our President and Mr. Bryan are alone in their position, the situation of Americans would be even more dangerous. We stand on our own feet, and so far have neither received nor expect to receive protection which is our due—or which we once thought was our due, once for a long time, while our Administration gave more thought to Americans than to aliens in alien lands.

To speak again of this haggard and haggled recognition of Huerta. England recognized the *de facto* Government immediately because there was business to be carried on which had to pass through the usual governmental channels. Our business has been greatly jeopardized by the non-recognition of Huerta by the United States. The position of interests and Americans would be almost intolerable here if it were not for the personally pleasant relations existing between our *chargé d'affaires*, Nelson O'Shaughnessy and General Huerta. That the delay in recognizing was used to gain time and in lieu of a definite policy there is now practically no doubt. It was not until the month of August that the Mexican situation was put on the single-track mind of the President. After a round-trip excursion of a few days, for the President stopped just where he started and apparently looked only on one side of the track, he announced a policy called the Elimination of Huerta. Of course, that is not a policy, but it is explained to the lay mind that there is a policy, this being the first step. Perhaps the President, from his own intellectual heights, considers his fellow-citizens unable to grasp the policy if unfolded. Perhaps the following steps of the policy depend upon the successful accomplishment of the first longed-for move. In the mean time the prestige of Americans—no, not of Americans, but of the Power of the United States—has diminished until it is *nil*.

I have just seen Mr. John Lind, our special envoy here, in the portales. He is quite a character and an interesting figure. He is a tall, slim old gentleman, with keen eyes and a slow, deliberate way of speaking. He has the reputation of being silent, and he certainly keeps out of the public eye. He is rarely even seen in the streets, and lives at the American Consulate. It is believed that he is becoming educated in regard to the situation, and that his views are not entirely in accord with those of the Administration on every point. I sincerely trust this is not the case, for we must want the policy, whatever it is, to succeed, and it cannot unless there is a strong hand to blindly push it forward. It is to be expected that if Mr. Lind remains here and begins to understand conditions, he will naturally drift further and further away from the Administration's point of view. It looks as if this were happening, and Mr. Lind, I judge, is so independent and honest that he would leave or allow himself to be recalled if he does not approve the course.

Mr. John Lind is one of the surprising Americans who, experienced and educated far from the scene of a situation, get an accurate and adequate idea of it on short notice.

I have just been sitting down-stairs and reading a Mexican weekly. There is a cultivated article therein, with many long words, exhorting Mexicans to arise and save Mexico for the Mexicans, and, as an Englishman near by drawled, "Go back to hanging on the trees by their tails." This refrain, Mexico for the Mexicans is popular. It is on a par with the popular theme of the Monroe Doctrine, and understood just about as well as the average Americans understand that doctrine. What does the impossible realization of this dream of Mexico for the Mexicans mean? It means that all the big industries which employ thousands of workmen and pay them a living wage, and more, will shut down. Though we are told by our President that this is a race of achievements, it is difficult to discover exactly what these achievements are. The development of the country agriculturally? Perhaps—to the extent to which it is developed, which is

ridiculously and sinfully limited. The development of mines? No. Ninety-five per cent. of mines are owned and managed by foreigners. The operation of smelters? No. The development of petroleum? No. These branches are in the hands of Americans. Sugar, rubber, and coffee plantations are owned most extensively by foreigners. Along other lines of development: who built the railways? English and American engineers. Who installed the large portworks in Vera Cruz, Tampico, Coatzacoalcos and Manzanillo? Englishmen and Americans. Electric lighting and tramways all over the Republic are financed and operated by Canadians, Englishmen, and Americans. The great architectural achievements have been in the hands of Italian artists and engineers since the Spaniards were driven away. There is hardly a city in Mexico without its long-unfinished market, theater, or palace, monuments to patriotic outbursts which put the construction in the hands of Mexican engineers. It will be readily seen that the biggest practical interests, which together employ hundreds of thousands of workmen at good wages, would be killed by Mexico for the Mexicans, for these people cannot administer great things.

An army of unemployed would thus be thrown either back to the ranches to work for two reals per day (worth, at present, less than ten cents) for their compatriots, or more likely they would take up brigandage as a more diverting and lucrative occupation. It is the foreign capital which has raised the standard of pay and forced the unwilling ranch-owner to pay his peons a living wage to keep his men from moving to other ranches foreign owned, or to the foreign mines and smelters. It is the foreign capital invested in the development of Mexico which has given the country its position in the eyes of the world. "The People" is the cry of all republics. "The good of the people." The more that foreigners go into Mexico, the better it is for the masses, the ones who do the work, and the worse it is for the trouble-raising class who want Mexico for the Mexicans, a ten-cent wage, twelve hours per day, and lard-oil lamps cleaned by two-peso-a-month slaves.

We all believe, of course, that we are going as fast as possible on the road to intervention, in consequence of the Administration policy. A prominent Senator, when asked why he favored this policy, said, "Because I want intervention and this is the quickest way to get it." That leads to the question, when will there be intervention, and for what reason shall we intervene now, having accepted practically every national insult, and having waived every reason for intervention made international law by Mr. McKinley's declaration of intervention in Cuba?

I am forced to believe, though it goes against the grain, that intervention will come to avenge the wrongs of Europeans and not those of Americans; for the Administration has provided itself with an answer to a new "Remember the Alamo" war-cry in "We carefully warned those Americans to leave Mexico." France has cleverly placed a portion of her nationals under our protection. When Frenchmen in Mexico receive the treatment Americans have received, France will naturally fail to understand that her citizens were killed as a means to the end of establishing the Consent of the Governed in Mexico, and will probably demand that damages be paid by our own taxpayers. That is the logical result of the Monroe Doctrine, which says to Europe: "Stay out! You can't redress the wrongs of your citizens in Mexico as you can in Asia!" Carry this further. The big rich dog-in-the-manger that prevents protection of Europeans is responsible; and we

understand that this big rich dog-in-the-manger has signed a Convention which will force it to allow this question to come before the Hague Tribunal of European judges. The success of France will be followed by other European nations, saying, "Protect our citizens or we waive the Monroe Doctrine." The Hague Tribunal will make us pay claims, just and unjust, and we will be in the position of the fond parent who allows her child to break toys in a shop, and says, with a deprecating smile: "He is *so* active and destructive. Yes, I'll pay for all he's broken," instead of having administered the proper punishment.

What a position, what a "predicament as a nation in which we find ourselves!" as Colonel Harvey says. That it is a predicament there is no doubt. That it is the most serious question that confronts us as a nation there is not the slightest doubt. That the public has a right to know what "The Policy" is, no one can deny. "The first step is the elimination of Huerta." That gives us no clue as to the policy. Neither does "Watchful Waiting" mean anything but a catchy alliteration which it is strange the President failed to realize would appeal to a fun-loving nation.

I wish the President's policy could succeed. I know this country and the people. The President doesn't. He is speaking to them in a language they do not understand. His information comes from people who have been here only a short time, and who are incapable, no matter how clever and enlightened they may be, of having a real grasp and understanding of the situation. The idea of the President seems to be to put a fresh, unbiased mind to work on the subject. I might also add, a mind entirely blank and ignorant of the situation. Now is it possible that a man like this, with no groundwork of experience, can describe the true situation, any more than a boy with no foundation in arithmetic can solve problems in trigonometry? The eyes must become accustomed by long residence to the brilliant sunlight of Mexico before they can see clearly.

EDITH MACK.

NORTH AMERICAN REVIEW

APRIL, 1914

WE APPEAL TO THE PRESIDENT

TO SAVE MEXICO; TO SAVE HIS PARTY; TO SAVE HIMSELF.

BY THE EDITOR

“The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and the redemption of every obligation without quibble or hesitation.”

Those words, Mr. President, spoken by you as the head of the Nation to the Congress of the United States upon the first day of your second year in office were more than worthy, more than courageous; they were noble. They breathed the sense of National honor; they were shot through with patriotic feeling; they evinced the power of personal greatness to acknowledge and repair a fault. And they will serve the purpose for which they were uttered—never fear!

Pending the accomplishment of that great triumph which is to be yours, may we not ask you to perform the more pressing duty of turning your eyes upon the stricken people of bleeding Mexico, and consider—consider in candor and with the deep solicitude which we know you feel—whether

Copyright, 1914, by THE NORTH AMERICAN REVIEW PUBLISHING COMPANY. All Rights Reserved.

you may not apply those words to them. Is not our attitude toward them also "everywhere questioned and misunderstood"? We think and presently shall try to convince your mind that it is. If we shall succeed in that endeavor, is not "the large thing to do the only thing we can afford to do"—a reversal of our action "without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and the redemption of every obligation without quibble or hesitation"?

Four months have elapsed since we raised the questions—

What legal or moral right has a President of the United States to say who shall or shall not be President of Mexico? and

Did not President Wilson imbed himself in a practically inextricable position when he demanded the retirement of Huerta?

and the only answers forthcoming are to be found in a consensus of the world's opinion and in a hopelessly tangled diplomatic situation surcharged with peril. But no! That is not strictly accurate. You answered the first question, Mr. President, when you recognized the Huerta of Peru, and you answered the second when you urged so impressively upon the Congress, as a primary reason for repudiating a pledge of your own party platform, the necessity of mollifying foreign Powers.

The partisan attacks to which you are now being increasingly subjected constitute, we suspect, the least of your anxieties. Senators and Representatives who demand "action" which would lead to armed intervention may reflect the opinion of their own restricted constituencies, but they wholly misinterpret the wish of the country. Never was a war so unpopular, so hateful in the eyes of the people, as would be a war now with distracted Mexico. Whether avoidance thus far is fairly attributable to your sagacity and forbearance, or to mere good fortune, or to both, matters not at all; the country is grateful, sir, deeply grateful to you for sparing them the calamity which unhappily so many are coming to regard as inevitable.

Nor does one whit of justice lie in the strident criticisms of your course as "inert" and "lifeless." You have done all that lay within your power to do in furtherance of the success of your programme. Never before to our knowledge, while their countries were at peace and resolved to continue in amicable relationship, has one President de-

clared war upon another President. Yet that is what you did without a quiver of hesitation. And you did not stop there. You certainly struck deep and hard in those days early in November when the following declaration was served upon Huerta, as coming from the President of the United States:

Primero: Que el primero magistrado considera que el reciente golpe de estado fue una contravencion directa de la seguridades que el, Huerta, había dado á su gobierno.

Segundo: Que á menos de que el, Huerta, voluntariamente y obrando como por propio inspiracion se retire luego del poder y abandone todo idea de controlar la organizacion del gobierno y el curso de los negocios, el primer magistrado se verá en la necesidad de entervenir en los terminos de un ultimatum que al ser rechazada le obligará á proponer al congreso de su pais que se tomen medidas practicas de la mas seria naturaleza.

Tercero: Que el gobierno del primero magistrado desea sinceramente de evitar las medidas extremas tanto por el bien de Mexico como por el bien de la paz de America, y esta por el mismo dispuesto á hacer algo razonable á fin de no herir los sentimientos de dignidad de Huerta y para darle la proteccion personal que necesitará.

Cuarto: Que por tal motivo, propone el siguiente curso que se escoja alguno persona ó pequeño grupo de personas que en lo menos possible hayan estado ligados con los recientes perturbaciones politicos (por ejemplo, personas de edad maduro retirados de la politica que goza de le confianza general del publico), al fin de que constituye un gobierno constitucional y hagan los arreglos necesarios para elecciones generales en las que se elijan un nuevo congreso y un nuevo jefe del ejecutivo, para que asi el queda establecido sobre una base constitucional.

Quinto: Que hace absolutamente necesario una accion semejante al fin de que merezca la aprobacion del primero magistrado, pues su gobierno esta firme y irrevocablemente resuelto, por un medio ú otro, á cortar de raiz toda ayuda el, Huerta, crea encontrar en el extranjero, si es que insiste en su proposito de permanecer en el poder, siendo ademas un hecho que solamente por algunas dias mas podra el, Huerta, tener la libertad de escojer el camino que desea seguir. Su retiro y una libertad absoluto de accion de rehabilitar el poder constitucional será el unico que el primero magistrado acepte. Este gobierno no podra urgir con demasiado vehemencia el que haga su eleccion, ya que es inevitable, con todo sabiduria y en plena consideracion de las terribles consecuencias que traeran su vacilacion ó rehuso.

Sexto: Que el, proposito de substituir á Blanquet ó cualquiera otro representante del gobierno de Huerta y de su golpe de estado conduciera á una irritacion mayor de parte del primero magistrado y la inevitable ruptura definitiva, asi como tambien daría el mismo resultado el pretender llevar al poder á los supuestos escogidos en las ultimas elecciones, sea para presidente ó miembro del congreso.

Or, as re-translated:

First: That the first magistrate is of the opinion that the recent *coup*

d'état was a direct violation of the assurances which Huerta gave his government.

Second: That unless Huerta, voluntarily and on his own initiative, retires at once from power and abandons every idea of controlling the organization of the government and the conduct of negotiations, the first magistrate will find himself under the necessity of intervening by means of an ultimatum, and if this is not accepted he will be obliged to propose to the congress of his country the adoption of practical measures of a most serious nature.

Third: That the government of the first magistrate sincerely desires to avoid extreme measures, as much for the sake of Mexico as for the sake of peace in America, and is of itself disposed to act reasonably in order not to wound Huerta's sense of dignity, and at the same time to give Huerta the personal protection he might need.

Fourth: That with this purpose in view it proposes the following: that there be selected some person, or small group of persons which to the least possible extent shall have been connected with the recent political disturbances (for example, men of mature age who have retired from the field of politics and who enjoy the confidence of the people), who shall form a constitutional government and make whatever arrangements may be necessary for a general election. In these elections there shall be selected a new congress and a new chief executive, to the end that the government be established on a constitutional basis.

Fifth: That such a course is absolutely necessary to the end that he (the chief executive) merit the approval of the first magistrate, for the reason that the government of the chief magistrate has firmly and irrevocably decided, by one method or another, to eliminate completely all assistance that Huerta believes he may receive from foreign sources, if he persists in his proposal to remain in power, it being a further fact that only for a few days longer will he, Huerta, be free to select the course he chooses to follow. His withdrawal, and consequent absolute liberty of action in the re-establishment of constitutional power, alone will be accepted by the chief magistrate. This government cannot urge with too much insistence, now that the outcome is inevitable, that Huerta reach his decision wisely and at the same time give full consideration to the terrible consequences which will follow his vacillation or refusal.

Sixth: That the proposal to substitute Blanquet, or any other representative of the government of Huerta, or any one connected with his *coup d'état*, will conduce to further irritation on the part of the first magistrate and inevitable and definite rupture. The same result will follow any effort to place in power the candidates chosen at the last election, be it for president or member of congress.

And when the old Indian coolly ignored this demand, you did not shrink from inviting the criticism of your own countrymen by lifting the embargo upon guns which, like those in the Philippines, may at no distant day be turned upon our own soldiers. No, Mr. President, it is not from lack of energy or resolution that your attempt to apply political eugenics to Mexico in a schoolmasterful way has

failed. It is from the fatal defect within the policy itself—the futile threat which, as we declared in November, “instead of eliminating Huerta from power, riveted him in his place, there to remain, in all probability, until he shall be expelled by force of arms.” This judgment, based upon certain logic, has now found general acceptance, and it is to that most important fact, Mr. President, that we would direct your attention.

No writer has made it so clear as you that “the only force” that can control a President in shaping his course with respect to large matters of public policy is “the force of Public Opinion.” But Public Opinion is no less subject to change than individual judgment, and, if it is to be accepted as a true guide, it must be examined and interpreted at frequent intervals. When, in November, we urged upon you manful reversal of a policy which we then believed to be and which has since proved to have been untenable, we did not assume to reflect the common view. We could not but feel that much of the seeming approval was no more than natural and praiseworthy restraint; but there were few evidences to that effect, and you were quite justified in assuming that your attitude had won general commendation. The newspaper Press in particular was notably insistent and steadfast in support of your determination to drive Huerta from his position of authority. But is it so now? Let us mark the indications afforded by our leading journals. We quote:

From the *Washington Post*:

The people of the United States have, during the past ten months, given to the President and his Secretary of State a most remarkable proof of their confidence in their sincerity of purpose. The more remarkable inasmuch as many of them have failed to see that the rights of our citizens were as fully protected as desired, or that “the watching and waiting” policy was either beneficial to Mexico, to the United States, or fair to the citizens or subjects of foreign nations.

That it has not brought peace or happiness to the people of Mexico must be admitted.

That it has been productive of immense losses to American, British, German, French, and Spanish investors is apparent to all.

That it has advanced the peace interests of the world is exceedingly doubtful.

That it was and is producing friction in our foreign relations would seem to be as clear as diplomatic secrecy will permit the public to judge.

From the New Orleans *Picayune*:

Strong as has been President's Wilson's policy with respect to matters

of domestic concern, it must be admitted with regret that his attitude toward Mexico has been extremely weak and vacillating. Americans have been told to leave the country, as their government either could not or would not protect them. Foreigners, both Americans and Europeans, have been maltreated and their property seized or pillaged, yet nothing has been done other than the presentation of feeble protests.

As a result of this course foreign governments have lost all confidence in our ability to control the Mexican situation, and as they have no reason to expect anything from the revolutionists, they are quietly financing Huerta in the belief that he is the only man in Mexico capable of maintaining at least a show of order.

Whether or not it be a fact that foreign governments are "quietly financing" Huerta, there can be no question that he is well supplied with means.

From the San Francisco *Argonaut*:

That President Wilson still hopes for the establishment of peace and order in Mexico in the spirit of her parchment constitution is simply evidence of the failure of a man of academic mind to distinguish between fact and theory. So long as Mr. Wilson shall maintain his present views, and his present course of action Mexico must suffer under that combination of cruelties and terrors so forcibly described in a letter from the City of Mexico printed in last week's *Argonaut*. One well-intentioned but unfortunately misinformed and curiously stubborn man is practically holding Mexico prostrate to be scorched and flayed. It is truly a terrible responsibility.

These are strong words from a journal accustomed to weigh its utterances; we dislike to print them; but how else can Public Opinion be revealed?

From the Boston *Transcript*:

We have tried "watchful waiting," only to abandon it in favor of the even more mischievous policy of pouring oil on the flames of civil war. Some of the bullets that pierced Benton's body may have been supplied to Villa from this country in consequence of the raising of the embargo on arms. To "watchful waiting" bloody blundering has succeeded.

From the Boston *Herald*:

One way out of this calamitous course remains—with honor. There is still a chance to avert war. It is to recognize Huerta, and further than that to strengthen his hand. We should renew the embargo on arms to the bandits.

It may be that this step would come too late, that our policy has so weakened Huerta that he can no longer restore order. But he deserves the chance. He has clearly established his claim as the *de facto* ruler of Mexico. And until we have given him the opportunity we are not justified in making the sacrifice that armed intervention would entail.

From the Manchester *Union*:

Conditions south of the Rio Grande are certainly no better, and probably much worse to-day than they were at the beginning of the Wilson

Administration—and Heaven knows they were bad enough then. The policy of “watchful waiting” has been, to put it brutally, a policy of idleness.

Huerta, in an interview, declares that the present situation in Mexico is due to the United States; and, in a sense, he is right.

From the *Burlington Free Press*:

Having failed to recognize the established Government in the capital of Mexico, and thus waived the right to hold Huerta's administration responsible for the protection of Americans in all Mexican territory, the Wilson Administration seems to have made the further mistake of recognizing in effect and aiding a rebel leader, in the person of Villa, even more blood-thirsty than Huerta was in connection with the overthrow of Madero.

Here, too, the precedents are strongly against the Wilson Administration, and in view of Mr. Wilson's recent utterances in defense or palliation of Villa, who has killed Americans as well as British, it is not strange that Dr. Moore declined to allow his prestige as an international authority to suffer further from the smashing of precedents.

If President Wilson should undertake to follow the intervention of which he has already been guilty and which was in reality an act of war, by sending a military force into Mexican territory and thus instituting armed intervention, he will find it difficult to vindicate his course in the eyes of the nations as well as of the American people.

From the *Brooklyn Eagle*:

The policy of the administration, so far as it is generally understood, contemplates the scheme of Mexico working out her own destiny as a result of her present internal warfare, so that constitutional government will be restored, at least so far as it ever existed in the republic south of the Rio Grande. Those who adhere to this policy, however, say frankly they see no hope whatever that Mexico, through the agency of Villa, Carranza, Zapata, or any of the other revolutionary and bandit leaders, can restore constitutional government. Many of them admit that Huerta might have done so, with the aid of the United States; or at least might have succeeded in pacifying Mexico, even if he only brought about a restoration of the practical despotism that existed under Porfirio Diaz.

From the *St. Johnsbury Caledonian*, the leading weekly newspaper of Vermont:

Defeated in his whole programme to date, President Wilson should adopt another and recognize the Huerta government in Mexico the same as he recognized the new revolutionary government in Peru. Such a change in tactics may prevent a war with Mexico, and President Wilson, if he desires to save the country from one of its most serious blunders, will make it. The question now is not, is Huerta big enough to control Mexico, but is President Wilson big enough to acknowledge his mistake and save his country from the terrible misfortune it is now facing?

From the *New York Mail*:

While the Wilson Government has recognized the brutal dictatorship of Yuan Shi-Kai in the pretended Chinese Republic, it has refused to recognize the Huerta Government in Mexico, accepted by all other important nations, and has plainly encouraged the murderous and looting

forces of the rebels, led by notorious and savage bandits, in a hopeless and shameful chaos of destruction that means the complete devastation of a rich and neighboring country or American armed intervention.

The dignity and authority of the United States as the protagonist of the American republics has been openly insulted and mocked in Mexico by the grafters of the South and the cutthroats of the North, and our national prestige in Latin America has been seriously damaged.

Meantime the Wilson administration has made the United States responsible for Mexican conditions that must go from bad to worse until, apparently, the horrors and losses must end in bloody intervention.

From the *Sioux City Journal*:

The weak point of the Administration has been found in its foreign policy. The Mexican situation has proved an unworkable puzzle. There is a prevailing impression that President Wilson and Secretary Bryan have not made the most of their opportunities diplomatically.

The great European powers, following precedent which represents demonstrated expediency, promptly recognized the Huerta Government as the *de facto* Government. Mr. Bryan at once took the rôle of a diplomatic white blackbird when he refused to recognize that Government or even to deal in regular form with it. The worst of his demand that General Huerta abdicate was not its grotesqueness. It virtually invited all disaffected rebel and bandit elements in the north and elsewhere to assert themselves. It crippled the central Government by injuring its credit, which was otherwise sufficient to raise ample funds in Europe. When bandit forces, thus encouraged and energized, had coalesced, the removal of the embargo furnished them with arms, ammunition, and supplies of all kinds, for which they were able to raise money by wholesale confiscation and robbery.

But right at this point startling outrages force upon the world's attention the fact that the rebel government, both in its personnel and in its methods of gaining and of using power, is incomparably worse than the worst that has been imputed to the central Government, of which General Huerta is still *de facto* head after a year of rule. Disavowing intervention, we have thus in effect intervened against the actually existent central Government. Thereby we have paralyzed its power and responsibility in northern Mexico, and yet no tolerable governmental power or responsibility has been substituted for it there with which we ourselves and other civilized nations can deal. At the same time neither we ourselves step in nor permit other nations to step in to vindicate foreign rights. Mr. Bryan simply started wrong and has been going wrong.

From the *Louisville Courier-Journal*:

War is what we shall get, sooner or later, for the folly of clinging to the Monroe Doctrine and assuming police supervision of Latin America in behalf of Christendom. President Wilson may succeed in avoiding it this time, but war we shall have sooner or later, in Mexico or elsewhere in Latin America, and the harvest of blood and tears will have been earned by the sowing of folly.

Surely Don Quixote, astride of Rozinante, with the barber's bowl on his head for a helmet, was never a more ridiculous figure than that country cuts at the present juncture.

From the *Hartford Courant*:

By the simple recognition of the Huerta Government, which under all the rules and practices of intelligent diplomacy is fully entitled to recognition, there would be no need of sending any American army into Mexico. President Wilson is not so stupid as not to see this. President Wilson is a man of acute and most alert intelligence, and he is not above learning by his own blunders, as is shown by his promptness in giving official recognition to the revolutionary governments just set up in Peru and Hayti.

But he is morally obstinate—obstinate by nature and obstinate by years of autocratic rule in the schoolroom; and in addition to this he fears that his prestige, which has been carefully built up all through the country by his unlimited newspaper admirers, would be impaired by the frank confession that his much-vaunted Mexican policy has been one continuous blunder from the outset.

The election of a New Congress in November of this year, a piece of work in which he has already taken the directing hand, also makes it especially inopportune, from his party point of view, to admit a change of mind in regard to our relations with Mexico; yet it is only by such a change of mind and of policy, to which his own nature, habits, and special political interests of the moment are strongly opposed, that he can really and truly do the thing that is required in order to keep our troops out of Mexico.

This is why we say that President Wilson needs to begin all over again in the treatment of Mexico. It has taken him a long time to find out the kind of men with whom he has been sympathizing and upon whom he has been depending for the political regeneration of that country. He violated all the rules and usages governing such matters by undertaking to say for Mexico what kind of a government Mexico should have, and his undertaking has broken down. He can send American troops into Mexico, or he can give due recognition to the existing Huerta government. There are the alternatives. But President Wilson cannot truly be said to be "trying" to avert armed intervention in Mexico unless he first tries the old and reputable and peaceful method of recognizing and giving the moral support of the United States to the *de facto* Government of that country.

From the *Chicago Inter-Ocean*:

There is no disguising the fact that Mr. Wilson's "watchful waiting" policy has proved a dismal failure. Good intentions remain the only excuse for this refusal to accept accomplished facts when Madero fell.

Mr. Moore wanted Huerta accepted as *de facto* ruler of Mexico not because he approved Huerta, but as the strongest man in sight, and on the ground that the manner in which Mexicans see fit to change their rulers is none of our business. It is, perhaps, still possible to take that course. It is plain that Carranza and Villa will not do. Huerta may be a poor stick from idealistic viewpoints, but what more capable Mexican is in sight?

Mr. Wilson has demanded and has been given a free hand. His dealings with Mexico have brought the country to the point where it may be compelled, against its will, to armed intervention, that it may preserve its self-respect. Has President Wilson the moral courage to change his policy

and bring the nation out of the difficult and dangerous position into which he has led it?

From the *Detroit Free Press*:

The nation stands on the brink of an imbroglio with the whole or a part of Mexico. It is not the doing of the American people. It is the result of a wholly unfeasible policy, persisted in against all logic—a policy which breaks every canon of tried diplomacy and common sense. The nation has not desired war; it does not want it now. If forced into a conflict it will make the fight because it finds itself in a position where no other course is compatible with honor and self-respect and duty to citizens abroad.

Columns of like editorial comment are before our eyes—all of the same tenor. The excerpts presented have been selected from representative journals of various sections, of whose intelligence, patriotism, and sincerity there can be no question. Even the *New York World*, whose faithfulness you surely must appreciate, finds room upon its editorial page for the following communication:

Notwithstanding our strong official opposition to Huerta, that has prevented him from obtaining funds or augmenting his army, and your repeated assertions that he was on his last legs, he seems to have proved that he is the strongest leader in Mexico to-day, and that, had he been granted recognition in April last, his country would have been peaceful long since, at least would have been free from the armed bands of such assassins and robbers as Villa, Castillo, Zapata, and others. I do not mention Carranza, as he is apparently only a figurehead, with sufficient sense to keep him from coming in contact with Villa.

It seems to me plain that those who have advocated recognition for Huerta are not clamorous for war, as you intimate, but firmly believe that such a step would have prevented any cause for intervention by having brought peace to Mexico and saved thousands of lives and millions of dollars' worth of property. Although our official treatment of Huerta has been such as to perfectly warrant him in ignoring completely any demands or requests made to him, he has invariably given courteous attention to all representatives from our unofficial chargé d'affaires and acted promptly on all our complaints.

Kindly note this: If we do not recognize Huerta and assist him in bringing his country out of anarchy (though very late for such a step and now attended with much greater difficulties than at an earlier date), intervention must surely take place, for even should we willingly continue our "watchful waiting" and look on quietly at a terrible state of affairs, other nations will not agree to hold aloof for a much longer period.

And the *New York Times*, speaking from its sense of fairness, says of Huerta that he "has treated foreign residents, including Americans, well; has submitted to peculiar and unprecedented relations with the United States with remarkable self-control; has treated the American President's personal representative, Mr. Lind, with courtesy, while he

has listened with good grace to suggestions made by Mr. O'Shaughnessy, our chargé at the capital, and frequently acted upon them." And adds frankly:

There is no doubt that he has gained a large measure of respect from many persons in this country who profess to believe that he is the only man in sight who can be looked to to restore order.

So, too, the New York *Evening Post* is driven grudgingly to the conclusion that your Mexican policy, "as a whole, and up to the present, cannot be called a success in the sense that it has achieved the result desired"; and the conservative Philadelphia *Public Ledger* says with striking emphasis:

We ought to reverse our action. We ought to redeem our obligation without hesitation or quibble, an obligation which we have assumed, and rightly assumed, but in the fulfilment of which we have been strangely lacking. It makes no difference whether the Administration was right or wrong when its Mexican policy was adopted. The large thing to do is the only thing we can afford to do, and largeness in the circumstances consists in the capacity to adopt a programme *de novo*, to sweep out of the way regard for petty consistency, to acknowledge whatever errors there may have been in former policy, to break the shackles of accepted precedent and move untrammelled toward a complete solution of the problem.

That is the largeness which the nation expects of the President. Public opinion senses the imminent peril of intervention and the necessity for action. It does not presume to dictate what policy the Administration should adopt, although the recommendatory attitude of the Press is almost unanimously in favor of a Pan-American concert, but it does insist that the pilot put his hands to the wheel and give positive direction to a forward movement, that the fine skill which has guided the process of the repeal of the canal-tolls exemption be exercised now in extricating the nation from the lamentable shallowness of purpose into which it has been permitted to drift.

And what says the man in the street? We, better, perhaps, than those who convey only pleasing information, could tell you; but let him speak for himself through the newspapers. We find, as a result of the most cursory examination:

In letters to the New York *Herald*:

When an individual . . . realizes he has made a mistake he will, if he is big, acknowledge and correct it. Should not a nation be as big as an individual?

President Wilson has withheld recognition from the only government that exists in Mexico, believing the forces in opposition would be able to accomplish Huerta's early overthrow, and that in these forces lay Mexico's best hope for peace.

Events have proved the policy of the United States to be wrong. Huerta, whose government is just as constitutional as that of Peru,

which the President hastened to recognize, has lasted for more than a year. The "Constitutionalist" cause has produced nothing better than a Villa.

Hasn't the time come for the President to realize and rectify his mistake, not in the interest of Huerta, but as a right due to the American people? . . .

Recognition of the Huerta government seems to me the only possible way for us to escape the armed intervention that neither the President nor anybody else in this country wants.

There is very much to commend in President Wilson's address to Congress yesterday. Who can question the wisdom of this:

"The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned."

President Wilson may well ponder these words from his own mouth. They apply directly and forcefully to his own Mexican policy.

If he is able to do the "large thing" and voluntarily withdraw from his mistaken attitude, which is responsible for all our troubles, this nation may yet see a "way out" from its unfortunate Mexican entanglements. I fear there is no such "way out" unless the President does follow the excellent advice he yesterday gave to Congress.

In a letter to the *New York Tribune*:

There seem to be but two alternatives—immediate intervention or immediate recognition of Huerta, far preferably the latter. The world has always recognized that moral courage is far greater than physical courage. Is President Wilson great enough and strong enough to say to Huerta: "I have opposed you from the beginning because I thought I was right and that you were wrong. I now realize that I have been wrong, and I am going to give you a chance to prove that you are right and can bring peace to Mexico. I am therefore willing to recognize your government with the understanding that you will bring peace to your country within the next three months. If you fail to accomplish this I shall recommend immediate intervention to Congress. The present conditions cannot continue; they are intolerable." If Woodrow Wilson is a big enough man to do this our people and the nations of the world will acclaim him the greatest man in the world. I can see no alternative.

In a letter to the *Philadelphia Public Ledger*:

The writer during his vacation in the past summer met some intelligent American people who had large property interests in Mexico, and for his own enlightenment inquired as to their opinion relative to conditions in that country.

They advised him that they thought the only salvation of Mexico could come from within, and that Huerta, backed up by his Government, was the only person qualified to thoroughly police the place.

That the only bar to such action on the part of Huerta was the opposition stand taken by the Government of the United States.

That this Government stood alone among the nations in its Mexican policy.

That recognition by this country of the Federal Government of Mexico would enable the latter to borrow, probably in London, possibly in the

United States, all the funds required to maintain order, and to call a halt to the acts of outrageous brutality now being committed, and to the great loss of property belonging to American and British subjects residing in Mexico.

In letters to the *New York Sun*:

If our President, who has proved himself in some ways in this first year of his incumbency a very great President, could persuade himself that the whole world is not in the wrong—that he is like the Irishman who informed his drill sergeant who told him that he was out of step, not at all, that he was in step, and that all the rest of the company were out of step; if he could be made to believe that he and his friends may possibly be wrong, since the whole world of Europe and America thinks concerning the advisability of Huerta's recognition exactly the reverse of his thinking; if he would come out frankly and answer that upon misinformation furnished him at the outset concerning General Huerta's resources and personality he declined to recognize him, but that now he perceives his mistake and will recognize him—then the President at one bound would become the most popular man in the United States, war would be averted, and the whole problem solved.

It is the belief of those who have studied the situation and are on the ground that Huerta, if as well backed by this country as the so-called Constitutionalists have been, would make good in short order and restore peace and prosperity to distracted Mexico.

It has been said that most of Mexico is against Huerta. This is erroneous. If this were true, when the rebels attack a town they should be able to take it without much trouble, since the inhabitants of same would attack the Federals from the rear. Whenever the rebels, or bandits, assault a town, the inhabitants join in the defence of the town. This is the most eloquent proof that Mexico, as a country, is in favor of President Huerta.

From the foregoing it can be seen that Huerta, far from being a traitor, is a great patriot, that he is the *de facto* and the *de jure* President of Mexico, and that the Mexican people at large support him heartily. The foreign powers, with the exception of this country and maybe one or two of minor importance, recognizing these incontrovertible facts, have recognized Huerta as the *de facto* and the *de jure* provisional President of Mexico. The United States ought to follow suit and vindicate herself by acknowledging her misconception of the facts. This acknowledgment would have no savor of humiliation, for "to err is human" and to make amends is manly and holy. This non-recognition policy on the part of the Wilson Administration on the reported ground that it would be immoral to grant recognition is tantamount to saying that all the other Governments that have recognized Huerta are immoral, which would be a reflection on all the civilized world.

In view of the above, it is to be hoped that the American Government will come to the conclusion which I stated above, namely, that it has misconceived the facts, and that it must vindicate itself by recognizing the Huerta Administration forthwith.

The extraordinary characteristic of this galaxy of edi-

torial and individual pronouncements is its unanimity. There may have appeared somewhere a word of approval of "watchful waiting" since the embargo was lifted, but if so, despite our painstaking reading of many American newspapers, we have not seen it—not one word. Taking into further consideration the rapidly increasing disposition of Senators and Representatives, who are most sensitive to the views of their constituents upon the eve of an election, what are we to infer? In your truly eloquent message to the Congress delivered in person on August 27th, you attributed the Mexican Government's rejection of your proposals to your belief that "the authorities had been grossly misinformed and misled upon two points." First, they did not "realize the spirit" of "friendship" and "determination" of the American people; and, secondly, "they did not believe that the present Administration spoke, through Mr. Lind, for the people of the United States." Consequently, you added in perfectly good faith and we believe with full warrant as of the moment, "so long as the misunderstanding continues we can only await the time of their awakening to a realization of the actual facts." You concluded, if our memory is not at fault, with the comforting assurance that "the steady pressure of moral force will before many days (after August 27th, 1913) break the barriers of pride and prejudice down and we shall triumph as Mexico's friends sooner than we could triumph as her enemies," etc., etc.

But that is beside the point. The question is, Does the present Administration *now* speak, through Mr. Lind or anybody else, for the people of the United States? In view of the indications of the certain trend, if not indeed the definite formulation of Public Opinion, is there not room for doubt—and occasion for very grave reflection?

You spoke, Mr. President, in your latest Message, of the difficulties which you are now experiencing in dealing with foreign Governments, especially with respect to "matters of even greater delicacy and nearer consequence" than the canal-tolls dispute, and you pleaded with the Congress to empower you to adopt conciliatory measures. It is clear, therefore, that you attach particular importance to Foreign Public Opinion at this crucial time. What, then, is the consensus of that judgment upon your Mexican policy?

The most consistent friends of America among the public

journals of England are the London *Times* and the *Spectator*. Both have deplored from the beginning your refusal to recognize the *de facto* Government. While hoping for the best, the *Times* still cannot escape the conclusion that you have "assumed responsibilities that may well lead to armed intervention"; and the *Spectator* says:

We can foresee nothing but bitter and cruel mortification as the result of Mr. Wilson's policy of "watchful waiting," while that policy means watching and waiting on such fiendish villainies. So far the effects of Mr. Wilson's policy have been the very nemesis of pacifism. General Huerta, as the *de facto* ruler of Mexico, at least had a better chance than any one else of producing order. But that was not enough for Mr. Wilson. With admirable yet fatal motives, he looked for personal perfection in a land where it does not exist, at all events in public life. By gradual stages he has been driven into a corner, and has at last come to the point of recognizing anarchy in preference to recognizing General Huerta. By a very different route from that of a professed man of iron and blood, he has arrived for all practical purposes at a purely cynical policy. He has removed the prohibition on the traffic in arms across the United States frontier, and now looks on "watchfully" while American citizens and British subjects are killed and trains are sent full tilt into burning tunnels. This terrible state of affairs is the result of the primary error of supposing that you can dictate to a proud and independent country and at the same time really respect its independence. "Things are what they are, and the consequences will be what they will be. Why, then, should we desire to be deceived?" The alternatives are to recognize whatever President has at the moment climbed to power, and to act as though Mexico were no longer an independent country. One or the other it must be. The latter policy has always meant a great campaign and a military occupation, although Mr. Wilson has steadily refused to see what he did not wish to believe.

The conservative *Morning Post* pronounces your position "absolutely unintelligible" and possessing "all the appearance of encouragement to anarchy, civil war, and murder of foreign residents in Mexico." We quote briefly from the leading journals of other countries:

From the *Economiste Française* of Paris:

The United States have as President to-day a doctrinaire, very eager for the people's good. Mr. Woodrow Wilson is a university professor and the author of some interesting books. He consequently has the advantages and disadvantages pertaining to a life long devoted to learning and teaching. His mentality is elevated, but rigidly unadaptive; his honesty is above suspicion. He is, however, deficient in experience. He considers himself called upon to regenerate the public morals not only of the United States, but also of other countries. He says he will not permit Mexico to initiate such and such a governmental solution of the deadlock or put forward such and such a candidate for the presidency. But neither Mexico nor the nations of Europe can possibly submit to these

North American injunctions. Mexico is an independent state, and it is desirable she should remain so.

From the *Novoye Vremya* of St. Petersburg:

The fact that all European, South American, and Asiatic countries have long recognized the Government of Huerta can be considered as the best proof that Huerta has ably conducted the governmental affairs of Mexico. Only the United States has assumed a peculiar position. While refusing to recognize Huerta, it has until now confined itself to the energetic support of the rebels concentrated in the north with money, men, and ammunition. The Message of President Wilson reveals the game of the United States. It not only demands that an armistice should be concluded with the revolutionists, but even insists categorically that Huerta should not be a candidate for President in the coming election. It is not in vain that the Western European press permitted themselves to express the supposition that the United States openly take the side of Mexican anarchy.

From the *Berliner Tageblatt*:

Every Mexican knows very well that the policy of the United States in regard to Mexican affairs aims at establishing a protectorate, more or less disguised, over their Republic, because it separates the United States from the partially subjugated republics situated north of Panama. Huerta is not a particularly attractive individual, but it is nevertheless true that this "immoral" man against whom the ex-professor of Princeton contemplates the mobilization of an army is exactly the man that Mexico at this juncture needs. He would have established the order which has so long been disturbed if he had been permitted to do so. The dictator is fully aware of the peril to which he and his country are exposed from the United States. He has merely persistently faced this peril without paying any attention to the clamor that rises on the other side of the Rio Grande. That he has so far succeeded in his plans to a certain point is proved by the check administered to the tragi-comic mission of Lind. . . . At present the submission of Huerta is a thing inconceivable. It appears more probable that he will let Uncle Sam bite the sour fruit of failure.

From the *Boersen Courier* of Berlin:

The sly and undecided policy of the United States has made American diplomacy the laughing-stock of the world. The Government at Washington is aiming in an underhand way at stripping Mexico of her political independence, but above all at establishing in that country the economic supremacy of the United States. If that Government had desired nothing more than the re-establishment of peace it would have recognized Huerta long ago.

From the *Imparcial* of Madrid:

We have every reason for deeply distrusting the United States. We have already frequently pointed out how the Northern Republic is attempting to take Mexico in her net.

Is it not now quite clear, Mr. President, that your attitude toward Mexico is "a position questioned and misunderstood" in Europe?

In your speech at Mobile you emphasized our friendliness for the South American republics. "We must prove ourselves," you declared, "their friends and champions, upon terms of equality and honor. We must show ourselves their friends by comprehending their interest, whether it squares with our interest or not." What has been the effect upon these republics of your Mexican policy? What signified the "Vivas Huerta" with which Mr. Roosevelt was greeted in Chile? What says the Press of South America? We quote:

From the powerful *Prensa* of Buenos Ayres:

All that Wilson has said in his address to the Congress at Washington has merely served to fortify the position taken by Huerta. The policy of Mr. Wilson has only one tendency, and that is to unite the Latin-American states, in spite of Uncle Sam, and make such a hostile federation a reality instead of the political dream which it has hitherto been.

From the *Voz de Oriente* of Lima:

Far from mending, the situation in Mexico is growing more complicated and dangerous. This condition of things results in a large measure from the attitude of the Government at Washington in refusing to recognize Huerta, while Wilson sympathizes with the rebels and even gives them his support. This is the cause of the movement among the students in Mexico City. These youngsters have made a grand manifestation against the Yankees before the palace of the Governor when they carried flags bearing the inscription "Death to the Yankees!" The irritation exhibited by the Mexicans is amply justified.

From the *Prensa* of Lima:

The President's declaration that he could not recognize Huerta's Government because it was founded upon treason is extremely interesting. But nothing can justify the intervention of one state in the affairs of another. At least there ought to be some explanation of the motive which urges North America to favor, by opposing Huerta, the interests of Carranza's insurgents who have raised the ensign of an independent Mexico.

From the *Revista de Yucatan* of Merida:

President Wilson and his Secretary of State appear each to be one of three things. Either they are the romanticists of diplomacy, or the ignoramuses of diplomacy, or the hypocrites of diplomacy. In whichever of these characters we regard them, they are hurtful to the country they govern and to the nations with which they deal. For nothing can be more pernicious in political life than romanticism which engenders your dreamers, your fanatics, extravagant theorists, and your Utopians who do not see the reality of things, who do not perceive the world in which they live and attempt to go beyond the law of nature. The ignoramus is one destitute of science or letters. . . . The hypocrite is just what the word imports—he is a man who blazons abroad as his own the virtues he does not possess.

From *El Imparcial* (anti-Huerta) of Mexico:

It is difficult to believe that the Yankee Government is authorizing the sale of arms to the bandits of Villa, who pillage, burn, and murder

throughout the country. How can the rulers of a cultivated people, under guidance of a wilful and obstinate leader, suffer themselves to be guilty of complicity with such a band of plunderers? It once appeared impossible that President Wilson should be a man destitute alike of conscience and a sense of shame. If the American people approve of this astounding measure taken by their President, they will deserve the contempt of all honorable nations.

From the *Pais* (pro-Huerta) of Mexico:

The only thing which President Wilson will have done is to bring into greater prominence the personality of Huerta, who, thanks to the intrigues of the North Americans, represents to-day upon our new continent the soul of the Latin race.

Can there be any doubt, Mr. President, that your course has served only to intensify the distrust and dislike of the very peoples whose good-will you courted and whose "friend and champion" you sincerely wish to become? Is not here again, where least of all we desire it, questioning and misunderstanding?

It is not necessary to point the direction of the sympathies of Japan, with whom we would maintain amicable relations; it is not necessary to record the unanimous judgment of all foreign residents of Mexico nor to recount the prayers of our own countrymen who feel that they have been abandoned; these are only too unhappily familiar.

What to do? Why, Mr. President, there is but one thing to do. There never has been but one thing to do. That is to put under your feet the solid precedent that was established by this Nation at the beginning of its career and that has been heeded by all other Powers in this particular instance: Extend to the *de facto* government of Mexico official recognition. We pass no criticism upon your refusal to take this logical and sensible action originally. You erred, of course, as all the world now concludes, and as you yourself confessed when you acknowledged the validity of the "usurping" Governments of Peru and Hayti; but it was an excusable, possibly even a justifiable, error because it sprang from the best of intentions. What we do ask is that you do not persist in a course which leads straightway to the undoing of all your good works, through the certain defeat of your party and the execration that just as surely will be visited upon yourself if, as a consequence of sheer obduracy, this country shall be dragged into a hateful war. It may or may not be a correct assumption that Huerta, unhampered, could have pacified his country, but there is

and can be absolutely no question that you deprived him of the means of effective striving.

Grant that Huerta is a bad man. Is he not, nevertheless, the best? Has he not proved himself, in contrast with Villa, Carranza, and Zapata? Surely in recent years no ruler's ability has been put so severely to test. Consider what he has done single-handed and alone! Confronted at the outset by a hostile Congress such as he well knew had achieved the downfall of Madero, surrounded by a Cabinet of intriguers, refused recognition by the United States, branded rightfully or wrongfully, but without adduced evidence, as an accessory to assassination, deprived of the opportunity to borrow moneys through the desire of foreign Governments to curry favor with the nation which is now more commonly than before referred to throughout Latin America as "the big bully," cajoled, threatened, cut off from aid wherever possible, while simultaneously the hordes of opposing bandits and desperadoes were being supplied, furtively at first and then openly, with arms and ammunition, and now—at the end of thirteen months—he is conceded to be more strongly intrenched than ever! It is an amazing personal record, Mr. President, worthy surely of admiration, and remarkable especially for the consistent dignity, courtesy, and consideration exhibited by the old Indian himself in his dealings with an Administration which has been—shall we frankly admit?—not invariably tactful and perhaps upon occasion slightly dictatorial.

It is *not* too late. It is *never* too late to do the right thing. Moreover, the change in conditions affords you full warrant for reversing your position. While you had faith in the sincerity and high purpose of the rebel leaders, there appeared at least a semblance of reason for taking their part, but now that they have dropped the mask and stand revealed in their true light as murdering marauders, their last claim upon your consideration has disappeared. You gave them their chance, at great risk to your own reputation, when you opened the doors for the delivery of arms, and they have shown their appreciation by ignoring your wishes, flouting your authority, and making you appear before the world as a virtual ally of a dastardly bandit. While Huerta has been earning your respect, Villa has been abusing your confidence. Clearly, the withdrawal of aid from the rebels now would be regarded everywhere not only as

fully justified, but as a fitting response to the demands of humanity and civilization.

But what, you may ask, is to be gained by recognizing Huerta at this late day? And we answer, everything! He may not be able under any circumstances to pacify Mexico, but all there whose lives and properties are at stake agree that he is, rightfully or wrongfully, Mexico's only hope. He is ours, too, and yours, because he has come to be the only force capable of maintaining order and so possibly of averting the dreaded intervention which continuance of the existing chaos is certain in time to produce. Practicability, no less than theory and tradition, calls for upholding of the *de facto* government.

There are other reasons, Mr. President, more personal to yourself. You have no base now from which to act; no avenue through which to communicate; no way of meeting the just demands of foreign Powers except, as in the case of England, by proffering special favors. And you are under suspicion. The mere fact that your policy is "unintelligible" has given rise to a growing conviction, especially in South America, as evidenced above, that it is insincere and is deliberately designed to engender war and conquest. You no longer have at your back the mighty force of Public Opinion, as we have shown. Abroad, as you must realize, the common attitude toward your watchful waiting is quite frankly contemptuous; at home, it is one of grave doubt and grave anxiety. To speak plainly, Mr. President, the feeling is growing stronger daily that your persistence in a course, which in common with everybody else you must know to be wrong, is attributable to no kind of reasoning whatsoever, but to your own stubborn pride. For your own sake, then, if for no other cause, it is of the utmost importance that, if there must be war, it shall come as an inevitable consequence, as demonstrably unpreventable by any conceivable means and in strict conformity with the customs and precedents fixed by international usage.

Is it not clear, Mr. President, that this condition can never be realized until the only government, however discreditable, that does exist and the only really strong man, however disreputable, who has appeared, shall have been accorded the full opportunity which so many believe they could utilize even now with ultimate effectiveness? It is the only way, sir, the only way out, the only way to save

Mexico, to save your party, and to save yourself. It is, too, "the large thing to do," the "only thing" you "can afford to do" to escape from a position "everywhere questioned and misunderstood."

We implore you, Mr. President, to take to heart your own splendid words—" *We ought to reverse our action without raising the question whether we were right or wrong*"—and then *do it "without quibble or hesitation"* and win for your country just honor and for yourself the fine renown which the world invariably accords a noble act nobly done.

A PAGE OF DIPLOMACY

"What do you know about this business?" the King said to Alice.

"Nothing," said Alice.

"Nothing *whatever?*" persisted the King.

"Nothing *whatever.*"

"That's very important," the King said, turning to the jury. They were just beginning to write this down on their slates, when the White Rabbit interrupted: "*Unimportant*, your Majesty means, of course," he said in a very respectful tone, but frowning and making faces at him as he spoke.

"*Unimportant*, of course, I meant," the King hastily said, and went on to himself in an undertone, "Important—unimportant—unimportant—important—" as if he were trying which word sounded best.

Some of the jury wrote it down "important," and some "unimportant." Alice could see this, as she was near enough to look over their slates; "but it doesn't matter a bit," she thought to herself.

So mused Ambassador (W. H.) Page on the foggy morning after his famous speech: "A joke—not a joke—not a joke—a joke"; and some of the ninety millions of his countrymen who were serving on the jury wrote it down "a joke" and some "no joke." For ourselves, we think as Alice thought: "It doesn't matter a bit." To the best of our information, Mr. Page holds no commission from the United States of America to define the Monroe Doctrine either as a principle or as a pleasantry.

All of the accounts agree that at first the Ambassador brushed aside reports of dissatisfaction at home as of no consequence because his talk had been the merest banter. "It was meant, Mr. Page says, to be humorous, but," adds the *Sun's* despatch, "neither his hearers nor the readers of the speech seemed to see the joke." Accordingly, on the following day, the Ambassador politely accepted the English view, and authorized the correspondents of the *Times*

and the *Tribune* to say that he "had a deep purpose in mind and a most serious one, namely, to clear up the misapprehensions which have been wide-spread in financial circles here ever since President Wilson's speech (at Mobile) last autumn." Even granting the questionable necessity of interpreting the President, the unwisdom of attempting to elucidate his studied utterance extemporaneously over English walnuts and French wines seems apparent; and yet, since that was the Ambassador's deep purpose according to the latest bulletin, it becomes a matter of passing interest to note what he really said. The *American* claims to have obtained a verbatim report from the official stenographer of the London Chamber of Commerce, reading, "after a few purely introductory remarks," as follows:

I heartily enter into your applause of what several gentleman said, notably the Prime Minister, when he spoke of your concern for the men that work with you and work under you and for your ready applause for plans to train those whose misfortunes make them a burden upon the State.

That strikes a sympathetic note also in our great commercial interests and aims in the United States.

I will not say that we have constructed the Panama Canal for you [laughter], for I am speaking with great frankness and not with what is sometimes called diplomatic indirection [laughter], but I will say most truly that it adds greatly to the pleasure of building that great work that it is you who will most profit by it. [Applause.]

I can say a similar thing about the recent lowering of our tariff. We did not lower it in order to please you [laughter]; it was for purposes that we considered economically sound for ourselves. [Cheers.] Nevertheless, it added to the pleasure of doing that to reflect that thereby we should receive more trade from you. [Cheers.]

Concerning the recent message of the President, I can say somewhat more—I take it upon myself, on my own responsibility, to say more. He told you that not merely to please you, but to express the true sentiment and the self-respect of the American nation, of every true American. [Cheers.]

His was the voice of the people. Nevertheless, it adds to the pleasure of hearing that voice to know that it does please you.

May I put in another parenthesis, also on my own account, and correct an impression that a part of your press seems to have about the attitude of the United States Government concerning the investment of your colossal earnings in States of Central America that have volcanic tendencies? [Laughter.]

I sometimes read that the United States is entering upon a policy to discourage foreign investments. That is untrue. I think that some events are happening there which discourage them somewhat, but I hope that they will not be charged to the United States.

There is a policy forming in the minds of our Government and of our people, which is not new, that would discourage such investments or such concessions as would carry with them the control of the government of

any of those States, and only that [Hear, hear], only that, if you please, for so far as the United States is concerned you know how heartily we have welcomed your investments there, and still welcome them, and always will.

You may be assured that it is not the business of the United States to put any let or hindrance upon any investments of yours anywhere in the world, and it will most heartily welcome your investments in any part of America, provided only you do not make them so that you may take the country with them. [Laughter.]

The Monroe Doctrine, you know, meant only this: That the United States would prefer that no European Government should gain more land in the New World. [Applause.]

For reasons set forth above, as suggested by Alice, the views expressed by Mr. Page hardly call for serious consideration. It may be said, however, that no just exception can be taken to his remark about our recent tariff legislation. Undoubtedly our purpose was economic and selfish and necessarily involved an increase of trading with our best customer. It is, too, an obvious fact that England, having by far the largest mercantile marine, will profit most at first from the building of the Panama Canal, but whether the satisfaction of the American people is so greatly enhanced by the reflection is perhaps a question. We suspect that on the whole they would be better pleased if the greatest benefit should accrue to American shipping. That, we think, in view of our enormous expenditure, is but natural and proper.

If Mr. Page really said that the Monroe Doctrine means "only this: that the United States *would prefer* that no European Government should gain more land in the new world," we can only conclude that he chose words which better exemplified his courtesy and consideration than the actual fact. Clearly, to have declared that the United States *would not permit* European encroachment upon American territory would have seemed unnecessarily brusque and uncalled for. The real doubt is as to the necessity or advisability of trying to define the Monroe Doctrine at all.

With Mr. Page's elucidation of Mr. Wilson's utterance at Mobile regarding foreign investments in South America we have no concern. That is a matter which lies between the President and his Ambassador. The really important point is that Mr. Page was speaking "on my own responsibility," "on my own account," thus depriving his interpretation of both authoritativeness and substantial value. We

have yet to be convinced that President Wilson is incapable of clarifying any dictum of his own which may seem to require explication.

It may not be amiss, finally, to remind Mr. Page, in all friendliness, that it does not lie within his province or power to make a public statement of American policy on his own responsibility. To realize this, he has but to reflect for an instant upon the likelihood of his being seated at a great banquet-table next to the Prime Minister of England at all if he were a private citizen. It seems strange and is a pity that it should have required this somewhat distressing experience to impress upon his understanding the fact which we trust he now fully comprehends, that every word he utters in public he speaks as Ambassador of the United States, and is so accepted quite as definitely by Americans as by the English.

We would not attach undue importance to this particular incident; indeed, barring the placing of a potent weapon in the hands of those who are striving to defeat the President in his splendid endeavor to maintain the Nation's honor, we see little real harm done; and yet who, at a time so critical as this both at home and abroad, can foresee the consequences of such indiscretions?

Referring to Sieur de Langley's account of the Ambassador who in a speech "had mixed several tart and injurious expressions to the dishonor of our nation," Montaigne, remarked:

At which I could not but wonder that it should be in the power of an Ambassador to dispense with anything which he ought to signify to his master especially of so great importance as this, coming from the mouth of such a person, and spoken in so great an assembly. . . . It should seem, methinks, rather to belong to him who is to give the law, than to him who is only to receive it; to him who is in supreme command, and best can judge of his own interests, and not to him who ought to look upon himself as inferior, not only in authority, but in *prudence and good counsel*.

It would be well if all of our not wholly sophisticated Diplomats of Democracy would take to heart this wise admonition of the great philosopher.

TENNIEL AND "PUNCH"

The news of Sir John Tenniel's death a few weeks ago sent the memory flying back to an evening in June, 1901.

The occasion was Tenniel's retirement from the staff of *Punch* after fifty years of incomparable service. The American Ambassador, the Prime Minister of Great Britain, the President of the Royal Academy, the leading lawyers, politicians, artists, journalists, actors, and authors of the country, to the number of well over two hundred, came together to give him a farewell dinner. It is doubtful whether such a company ever before assembled to do honor to a political cartoonist or ever will again. It was, of course, much more for his work on *Punch* than even for his masterly illustrations to *Alice in Wonderland* and *Alice Through the Looking-Glass* that Tenniel was acclaimed. For thirty-six years hardly an issue of *Punch* had appeared in which Tenniel's familiar signature was not to be found at the left-hand corner of the cartoon of the week. That was an immense record of hard work, if of nothing else. In Sir John Tenniel's case it was also a record of good work.

There are in New York alone several cartoonists who constantly reach a higher point in humor, power, and draftsmanship than Tenniel ever attained. But looking over the seventy-two half-yearly volumes that contain Tenniel's work, one finds that his standard, if he rarely rose above it and sometimes fell almost calamitously below it, was of a high character and wonderfully maintained. He had his obvious, his unmistakable faults; his composition was not infrequently poor; his style, somewhat statuesque at the best, was on occasion nothing less than wooden; and there were men, like Mr. Balfour and Mr. Joseph Chamberlain, whose features he never could catch. His humor, like his pathos and his meaning, was large and unshaded. His whole case was got up in good plain black and white. So much was evident on the surface, and on the casual, and especially the American, reader of *Punch*, might have acted merely as a deterrent. But to the student—and every one who wants to understand England should be a student of *Punch*—Tenniel's work took on a charm that even its manifest defects could not destroy. It was, for one thing, always pointed and apt. Sir John always contrived to produce something that hit the nail precisely on the head and gave expression to what the average Englishman was thinking at the moment. Also it was work of unfailing dignity. Tenniel, as Mr. Balfour said at that farewell banquet, was "a great artist and a great gentleman." He hit hard, but never malignantly,

and he never overstepped the line that separates caricature from travesty. Rancor was just as absent from his cartoons as indecisiveness. What he had to say he said boldly and clearly, but with a scrupulous regard for the decencies of combat. He took hold of what sixty-odd years ago was a coarse and scurrilous department both of art and politics, and by his personality and intelligence even more than by his technical skill, he cleansed it, elevated it, revolutionized it, until he made the political cartoon in *Punch* a regular and potent factor in the formation of British opinion.

We have had, and we still have, in America our great cartoonists, but we have not yet succeeded in providing the sort of canvas for them that Tenniel found to his hand in *Punch*. We have never, that is, produced a journal that harmonizes so entirely with the national taste and temperament of America as *Punch* harmonizes with England. From the middle classes up to the summit of the social mountain every one in England reads *Punch*. Its perusal on Wednesday is as much a part of the discipline of English life as church-going. It has a place in every well-organized system of domestic education in the country. From its pages juvenile patriots glean the history of latter-day England, much as Marlborough confessed that he owed what little knowledge of the past he had to Shakespeare. And the *Punch* habit lasts. An Englishman going on a railway journey instinctively buys *Punch* at the bookstall for his traveling companion. The greatest club nuisance in the United Kingdom in the eyes of his fellow-countrymen is the man who goes to sleep clutching the latest issue of *Punch*. A septuagenarian wishing to refresh some early memories turns at once to *Punch*. You will hear *Punch* quoted as an authority on manners and fashions. There may even be corners of England where it serves in some sort the purpose of an illustrated guide to London social life. It is a national institution in far more senses than is the *Times* or any other British journal. And it is so very largely because it has never gone in for extremes. It has always preserved and enforced that common-sense view of public events which partisanship distorts. It is what Lord Rosebery would be if he were a weekly illustrated paper.

Punch has opinions and even a policy, but while it never hides them, it never antagonizes by pressing them too heatedly. Ruskin long ago declared that of all the papers in

England, *Punch* best represented the average opinion of the country. It does so still, and it is just because it does so that it possesses a real historical value. Turn over the back numbers of *Punch* and look at the weekly cartoon and you will have a picture of the sane second thoughts of the nation on the leading event of the day. It is a calm, good-humored, pointed, pictorial summary of British, and occasionally of world, history. Then, again, besides its sense of balance, *Punch* is absolutely wholesome; and in a paper of its kind that is a quality which atones for much. Pick up a single issue of a French or a German or an American humorous journal and a single issue of *Punch*, and you will probably prefer the former—it will at least make you laugh. But compare half a dozen issues and you will find inclination veering toward *Punch*. And when it comes to whole volumes, inclination, in ninety-seven cases out of a hundred, will be definitely fixed on the side of the English periodical, after all.

Punch and *Life* are the two professedly humorous journals in the world, the bound volumes of which can be looked into not only without weariness and nausea, but with positive pleasure. To say that is to say a good deal. The great fault of the American comic papers is that they are not serious enough. They are always making jokes. You laugh yourself into a fit of profound depression while reading them. They are too much in the air, too trivial, too grotesque, too local, and they rarely know when to leave off. *Punch* evades these mistakes because it is at least as much a critical as a humorous journal, and its criticism is the easy, arm-chair, equable criticism of a man of the world on human nature and the politics, fashions, fads, and incidents of the day. The American comic paper is like the professional funny man at a party. You listen and laugh for a while and then you want to murder him. The man you are content to sit at the feet of for hours at a stretch is that quiet, shrewd-looking, middle-aged, but vital gentleman with the grayish hair, who has a little scholarship, a little wit, plenty of common-sense and experience, who never cuts capers or tries to force the pace, but keeps you placidly chuckling as he holds forth—in other words, *Punch*.

COMMENT

The *Houston Post* quite properly remarks:

In his reference to the President's appointment of a Minister to Colombia, after specifying the qualifications of retiring Minister DuBois, Colonel Harvey observes: "His successor is Mr. Thomas T. Austen, a ranch-owner, of Austin, Texas, presumptively not unknown to Assistant-President Edward M. House." Those who are conversant with the facts are aware that the appointee of President Wilson as Minister to Colombia is Colonel Thaddeus A. Thompson, of Austin. Likewise, after referring to the merits of the retiring Minister to Guatemala, Mr. Robert S. R. Hitt, Colonel Harvey says: "His successor is Rev. William H. Lovell, of Austin, Texas, a Baptist minister aged sixty-three." Rev. William Hayne Leavell is a Presbyterian minister, a resident of the State of Mississippi, and never resided in Austin in his life.

We have no doubt that the *Houston Post*, which is sufficiently near to have access to the Family Bibles of the two Ministers, speaks with knowledge. Our excuse must be that, for some inexplicable reason, neither of the diplomats is mentioned in *Who's Who in America*, and we placed reliance upon current Washington correspondence. But we would not haggle; we apologize to both Colonel Thaddeus A. Thompson, of Austin, and the Reverend William Hayne Leavell, Presbyterian instead of Baptist (though we still have our doubts as to that) and resident of the State of Mississippi, and we cheerfully concede the probability that they will render equally efficient service under their real names.

Simultaneously it is but just that we should record the following facts set forth by an acquaintance of Mr. John B. Jackson, who was deposed from the Ministry at Rumania to make room for Mr. Charles J. Vopicka, formerly of Dolni Hbity and recently of Chicago:

Mr. Jackson was appointed Second Secretary of Legation at Berlin in 1890, not 1900, was promoted to be Secretary of Embassy by President Cleveland in 1894, and remained in Berlin until 1902, when President Roosevelt appointed him Minister to Greece, Rumania, and Servia, Bulgaria and Montenegro being added to his mission subsequently. In 1907 he was sent to Persia, in 1909 to Havana, and in 1911 back again to Rumania, Servia, and Bulgaria. At the time of his retirement, last October, he was the only American diplomatist who had been in continuous service since 1890. Before that he had been in the Navy—from 1879 to 1886.

The letter concludes:

You will note, therefore, that practically the whole of Mr. Jackson's life

has been spent in the service of his country, as he has never had outside interests of any kind. The peculiar experience which he has acquired has no value for him naturally, and he is obliged to begin life anew. Cannot you offer some suggestion of benefit to those who, like Mr. Jackson, have surely some moral claim upon the consideration of the country which they have served faithfully to the entire satisfaction of successive administrations?

And we have to reply that we cannot.

The Colonel progresses steadily. There now seems to be little doubt that he demanded and obtained a fee of £400 for his speech to the Museo Social of Rio de Janeiro. The trustworthy *Edinburgh Review* confirms the story to that effect told recently by a Chicago merchant upon his return from Brazil.

In the course of an article on "The New Monroeism," the writer alludes to the lecture, and then says: "The Brazilian press seems to have been less impressed with the magnificence of the prospect thus opened up for the Latin-American countries than with the 'Yankee utilitarianism' which led an ex-President of the United States to demand a fee of £400 for the lecture in which he proclaimed the gospel of 'American Internationalism.'" The article goes on to speak of "the caustic comment of the eminent Brazilian scholar, Senhor Oliveira Lima, on these criticisms." Senhor Lima, after pointing out that the Brazilians had already spent some £12,000 for flowers of rhetoric from illustrious European lecturers, asks why they should reserve their censures for Mr. Roosevelt, "who for £400 has sung the beauties of American internationalism, and has gratified our vanity by promising eventually to intrust us with the big stick." Apparently there was occasion for this sharp rebuke, since the Chicago merchant reported that "the Brazilians politely paid the bill, but could not conceal their amazement," while the American residents were "deeply humiliated." Mr. Lawrence F. Abbott, President of the *Outlook* Company, on the other hand, is highly indignant at the suggestion that his distinguished associate violated the proprieties, and, while tacitly admitting the payment, insists that it was not a "fee," but "an honorarium," offered before Mr. Roosevelt left this country "without any suggestion or expectation on Mr. Roosevelt's part." In view of this circumstance, we perceive no cause for carping.

The laborer is not only worthy of his hire, but is entitled to get it; and the directors might have forgotten to send the check if they had not received the bill. We heartily indorse Mr. Lawrence Abbott's sense of the fitness of things. But there is another phase of the incident which grieves us sorely. The Colonel ought not to have been so inconsiderate as to rob Mr. Bryan of his last remaining principle; that, as between friends and fellow-workers of, for, and by the people, was an unfraternal act.

We agree with the *World* that the country suffers little loss from the dissolution of the United States Express Company; it was a very badly managed concern. Nevertheless, it is difficult to see how the other express companies, however well conducted, can escape for long a like fate, as against Government competition. As the matter now stands, the companies are obliged to pay immense sums to the railroads for transportation, while the Post-Office Department pays absolutely nothing for the carrying of the six hundred million parcels which it estimates it will handle next year. True, the Postmaster-General said in his annual report that in view of the prospective "prodigious growth" of the parcels post, "the railroads, of course, will become entitled to additional compensation for this extra service imposed upon them, and the Department is engaged in gathering all statistical data necessary for ascertaining a correct basis for fixing a just, fair, and adequate compensation for the service rendered," and recommended that "on account of the increased weight of mails" due to the parcels post, he should be authorized to add to the compensation of the railroads not more than one-half of one per cent.; but the amount involved—about \$250,000—was so trifling that neither the Congress nor the railway companies paid any attention to it. The consequence, of course, is that Mr. Burleson is making a "huge success" out of the parcels post and a great personal reputation wholly at the expense of the railroads. It may be that the railways can struggle along without the thirty-odd millions which they would receive on the English basis of division of costs, but how the express companies can long survive such competition is not easy to imagine. It is virtual confiscation, of course, but—well, what of it in these piping days?

From a Washington despatch to the *Sun*:

Great interest was aroused here to-day when despatches from Mexico City announced that the Huerta Government had been included among the Governments to which the United States had sent a circular note in regard to arrangements for the proposed third Hague conference. At the White House it was said that if the Huerta Government had received a copy of the circular note it was through a mistake, and it was clearly indicated that the President still maintains that there is no Government in Mexico City to which such a communication could properly be sent by the United States.

Foreign diplomats here smiled behind their hands to-day when it became known that Huerta had promptly seized the opportunity again to turn the tables on Washington and had solemnly announced his acceptance of the State Department's proposal. Apparently the State Department will now be in the position of being obliged to refuse to accept the acceptance.

So it appears that accidents will happen in the worst regulated State Departments; but Mr. Bryan can hardly be made the scapegoat for this one; he was away. The real pity is that the sending of the note to the Mexican Government was "a mistake."

"The annual report of the Secretary of the Treasury breathes throughout the spirit of optimism, altruism, and psychology," was the *World's* comment in December. "His optimism enables him to figure out a revenue surplus for the next fiscal year of \$26,000,000." The cheery prediction was worthy of a Redfield. The facts are that (1) the February customs collections were \$10,000,000 less than in 1913, and the deficit was nearly \$12,000,000, and (2) the fiscal-year deficit (with four months to come) was \$51,000,000 as against \$19,000,000 a year ago.

Man, like Truth, though crushed to earth, shall rise again. Kindly peruse this, O suffragettes, from Treasury Department regulations regarding income returns:

The husband, as the head and legal representative of the household and general custodian of its income, should make and render the return of the aggregate income of himself and wife, and for the purpose of levying the income tax it is assumed that he can ascertain the total amount of said income.

Can it be possible that Mr. McAdoo had his eye upon cer-

tain possibilities when thus he officially restored to "the husband" his medieval status as "lord and master"?

It is not unusual to hear of an ex-Governor of Oklahoma being a candidate for convict, but there is novelty in an ex-convict being a candidate for Governor; yet such is the case of Mr. Albert J. Jennings, whose platform consists of a firm declaration that "the law shall be no respecter of persons." It is sound doctrine, but in the circumstances "continue to be" would savor more delicately of aptness.

It must surprise George Harvey exceedingly that the President has evinced no disposition to dismiss his Cabinet and subscribe to THE NORTH AMERICAN REVIEW.—*Columbia State*.

Our contemporary forgets that a Cabinet can be had for less than four dollars a year, and yet we are not prepared to say that THE REVIEW would not be worth the difference, as our Southern neighbor seems to intimate.

PAGE BLAMES LONDON PAPERS—SPEECH CONDENSED TOO MUCH, AMBASSADOR DECLARES.—*Newspaper headline*.

Too much? Impossible!

STATE DEPARTMENT OFFICIALS THINK CARRANZA'S ATTITUDE MARKS RE-CESSION.—*Newspaper headline*.

"State Department Officials"? Who are they?

The only really industrious "I. W. W." occupies the White House.

The Colonel will soon be home again!

GOLDWIN SMITH

BY JAMES BRYCE

THE earliest picture in literature of a man of wide knowledge and wise thought who has with unquenched powers lived down into a generation not his own is that of Nestor as he is presented to us in the Homeric poems. Nestor had known the grandfathers and fathers of the chieftains of his later years, so all his juniors honoured him, and listened respectfully to his long discourses. But when in the vast and constantly changing society of these modern days of ours a sage or a prophet outlives all his contemporaries, there is a certain risk that he may be misunderstood and possibly even disparaged by the generation which did not know him till his prime had passed, and which has forgotten the men and the conditions that formed his character and doctrines. It seems therefore almost a duty laid upon those who, though much his juniors, remember Goldwin Smith in his earlier days, when he was a power in the political and literary world of England, to put on paper their impressions of him as he was then, and try to present a view of him which may prevent misconceptions either of his personal quality or of the ideas which he held with unwavering conviction and strove during more than half a century to propagate. He left a short Autobiography; and parts of his correspondence have been published,¹ but it sometimes happens that neither the letters which a man writes nor what he tells of himself conveys an adequate picture of him as he was in his best years. A brilliant talker, moreover, with a vein of sarcastic humour says many things which he does not mean to be taken literally, and which, when read in cold print may easily be misunderstood. So it

¹ *Goldwin Smith's Correspondence*. By Arnold Haultain: *Goldwin Smith, His Life and Opinions*, by the same writer, his literary executor, who had been for many years his faithful secretary, and has preserved many interesting fragments of his talk.

may be worth while to give some personal impressions formed in a friendship which extended over more than forty-five years.

A distinguished man once described him as the last of the prophets of the Victorian age, and one might extend the same by calling him the last of the prophets of the nineteenth century, one who closed the line which began with S. T. Coleridge and culminated in Thomas Carlyle. Less constructive than the former of these two more famous men, and less poetical than either of them, he was even more fertile in production, and his activity covered a longer stretch of time. Born in 1823 he continued to write till the eve of his death in 1910. He could remember the passing of the Reform Bill of 1832 and he lived to see the rejection by the Lords of the Budget Bill of 1909, an event only second in importance to that Bill, for it directly led to the great constitutional change effected by the Parliament Act of 1911. He was six years old at the election of Andrew Jackson as President, and he survived the election of William H. Taft.

His father was a physician living near Reading in Berkshire, a cultivated man in easy circumstances, who could afford to send his son to Eton. At that school his abilities and especially his gift for Latin and Greek composition made him quickly conspicuous. When he proceeded to Oxford he carried off all the honours for which he competed, crowning his career by a brilliant essay "On the Political and Moral Benefits of the English Reformation," in which he showed himself already a finished master of style. Hardly any of his later writings surpassed this work of his twenty-third year. Entering at the Bar, he lived for some time in London, where he served as secretary to one Royal Commission and as a member of two others, but having some private means he did not seek legal practice, but gave his spare time to political and historical studies, and began to write for the press, first (I think) for the *Chronicle*, and then for the *Saturday Review* when the latter journal was established in 1855. His Oxford reputation had secured for him access to the best political as well as literary society in London. He soon came to know most of the leading men among the Liberals, and was still more at home in the Peelite group in which Gladstone, Sydney Herbert, Cardwell, Roundell Palmer (already an Oxford friend) and the Duke

of Newcastle were the most prominent figures. He did not however try to enter Parliament but in 1859 returned to Oxford as Regius Professor of Modern History, and there remained for eight years. This was the most brilliant and effective period in his whole career. Oxford exactly suited his tastes and his gifts. As a fellow of University College, he possessed a sort of home within the college walls, but after a few years he built a house for himself on the outskirts of the city. He was admired and respected by the senior teachers and by all those among the undergraduates whose admiration was worth having. There were at that time in Oxford four men of outstanding talents and fame, Arthur Stanley, Professor of Ecclesiastical History and afterward Dean of Westminster; Benjamin Jowett, Professor of Greek and afterward Master of Balliol College; Mark Pattison, tutor and afterward Warden of Lincoln College; and Goldwin Smith. Of these four he was the youngest and the one who mixed most in general society and took the largest part in those ecclesiastical and political struggles which some would say "distracted" but as the undergraduates thought, delighted the University. Goldwin Smith was the natural leader of the Liberal party which then included nearly all the ablest of the younger professors and lecturers. He spoke sometimes in Congregation, the assembly of resident graduates. From time to time he issued a trenchant pamphlet. He was deemed an almost infallible arbiter on questions of scholarship or literary taste, and he was by far the most brilliant talker at all social gatherings. The question which then chiefly agitated the University was that of abolishing the religious tests which confine professorships, fellowships, and the higher degrees to persons who declare themselves, by subscribing these texts, to be members of the Established Church of England. He gave powerful help to the movement for abolishing this restriction and wrote on its behalf the most lucid and cogent of all the pamphlets and articles about it which issued copiously from the press. When in 1858 the course of sermons delivered on the Bampton foundation by H. L. Mansel (afterward Dean of St. Paul's) raised a keen theological controversy in which F. D. Maurice and other eminent divines of those days took part, Goldwin Smith published a small book entitled *Rational Religion and Rationalistic Objections*, which contained some of the most powerful passages that

ever proceeded from his pen. Wit, argument, and sarcasm were never more effectively blended. He did not append his name to the book, but we all recognized it as his, for the style was unmistakable.

As professor of history, he was unsuccessful in one direction and wonderfully successful in another. With all his gifts, he had not the special gifts of the class teacher, freshness, spontaneity, the enjoyment of reaching the intelligence of others by bringing one's own mind into touch with them and leading them along into new paths of knowledge. Whether it was shyness and reserve—he was the most reserved man I have ever known—or something that lay still deeper in the constitution of his mind, he did not enjoy and scarcely even attempted giving of instruction to a class of learners.

I recall my own experiences when in 1861, being then undergraduate, I went to him on seeing public notice that the Regius Professor would see undergraduates who were studying modern history at a given hour in the hall of his College. Entering the large hall, I saw a long, gaunt figure leaning back in an armchair near the fire, a grim figure apparently buried in meditation. Drawing a chair toward him, I sat down and waited. Presently he said, "Of what did King John die?" I did not know, and admitted my ignorance. "He died of a surfeit of peaches and new ale," said the professor, adding in a reflective tone, "it would give a man a considerable belly-ache"; thereupon he proceeded to deliver in grave and measured accents, a discourse upon the Angevin Kings and their policy which, so far as I can remember it, was exactly what may be found in the *History of England*, entitled *The United Kingdom*, which he published thirty-eight years later. Few were the undergraduates who presented themselves before him on these solemn occasions, and I doubt if any were bold enough to interrupt the flow of his speech by any questions. Whether he ever formed a class I cannot now recall, but certainly his teaching of undergraduates came to very little.

The other part of his activity as professor consisted in delivering several times in each year what were called Public Lectures—i.e., highly finished addresses to a general University audience, which generally included the chief teachers of the place, with a sprinkling of the more studious undergraduates, and not a few ladies. These were performances

of extraordinary brilliance, for the thought soared high and the literary form was perfect. Some had touches of humour, others sparkled with epigram, but all were stately, and one, on Gustavus Adolphus and Wallenstein, lives in my memory as the finest lecture that I ever heard at Oxford. It had the impressive solemnity of a Greek tragedy.

Meanwhile his interest in current politics had been quickening, and he grew more definitely Radical in his sentiments. Cobden and Bright came to visit him. He was invited to speak in the towns of Lancashire and Yorkshire, and more than one constituency in those counties would gladly have sent him as its member to the House of Commons. Especially was he prominent as the most powerful voice and pen that defended the course of the Northern States during the American Civil War. In 1864 he had gone to the United States, had visited Abraham Lincoln and also General Grant, then commanding in Virginia, and had delivered at Boston a memorable address which was reprinted in England and produced a profound effect there. From that time his relations with America were close and constant.

In 1867 his father fell ill, and he resigned his Chair at Oxford in order to go and live at home; and in 1868 he astonished Oxford and the world by suddenly announcing that he meant to leave England altogether and settle at Ithaca, in New York State, as professor in the University just founded there by Mr. Ezra Cornell. Why should one who in his own country had reached the height of literary fame, one who enjoyed the friendship of the leading men in politics, one who had a Parliamentary career awaiting him if he would but say the word—why should such an one choose at forty-five years of age to expatriate himself and take up his dwelling in a village among the hills of Western New York? The explanations which he gave then and subsequently,¹ that he wished to study and write upon American history, and thought this could be conveniently done as a lecturer at Cornell, do not seem to explain so strange a decision. To some of his Oxford friends it appeared probable that he was tired of his own country and a little weary of the University, perhaps weary of England, and that not quite knowing what to make of himself there, he cut the knot by leaving

¹ They may be read in his autobiography, and at p. 49 of Mr. Haultain's book, *Goldwin Smith, His Life and Opinions*. See also the article by Mr. Haultain in *THE NORTH AMERICAN REVIEW*, November, 1913.—EDITOR'S NOTE.

the country altogether. And he may possibly have felt on the one hand that if he remained in England he would be unable to resist the pressure put on him to enter the House of Commons, while on the other hand he knew that its Parliamentary life would try to the utmost his extremely sensitive temperament. His austere judgments and formidable sarcasms would have made him many enemies, and however superior to their assaults he might have felt himself to be, the wounds would rankle. In doubting his own fitness for a popular assembly he was right. His oratorical capacity remarkable as it was, did not include the power of debate. Neither would he have found it easy to work with others as a member of a Cabinet, for only by compromises do Cabinets hold together.

To Ithaca he went, and there I visited him in 1870 in company with his and my friend Mr. Albert Dicey, afterward Professor of English Law at Oxford. We reached him just after the fall of the Emperor Louis Napoleon, and found him happier than I ever saw him before or since, for he detested the Bonapartes and all their works, and had poured out the vials of his wrath upon the French ruler and Court many a time and oft in the paper of the *Saturday Review*. With all the Oxford Liberals of those days, except Jowett, hatred of the French Emperor was the first article of faith, looking upon France as the disturber of Europe. Goldwin Smith was, not indeed an admirer of Bismarck, yet a warm partisan of Germany in the war of 1870. He was more prone to racial antagonisms than an historian ought to permit himself to be; was markedly anti-Semitic, and had the old-fashioned English suspicion of the Gallic race.

To us he seemed quite at home in Cornell. He liked the scenery of Cayuga Lake, was more affable to the undergraduates than he had ever been at Oxford, enjoyed the simplicity of American ways and the friendliness of American manners. Indeed he never ceased to have a warm affection for the American people, and in later days was fond of coming to spend a few days in Boston or Washington or Lakewood (New Jersey). But he had already formed a low opinion of politics as practised in the United States. Tweed and his gang were then ruling New York, and when, after listening to his description of the doings of the Ring and their allies Jim Fisk and Judge Barnard, we asked him what the "good citizens" could do to protect themselves, his an-

swer was, "Hire gladiators, perhaps, as they did at Rome in the days of Cicero." He was incensed at a speech which Sumner had shortly before delivered against England in the Senate, apropos of the *Alabama* claims, for though he had quitted England forever, his English patriotism and sensitiveness for his country had suffered no eclipse.

In 1871 he went to Toronto, where he had some relations, and presently settled there, though he retained his connection with Cornell, and from time to time came across the border to lecture. In 1875 he married a Boston lady, widow of an eminent Canadian, and thenceforward made Toronto his home. Nothing could have been more happy than his domestic life till this union ended with his wife's death thirty-three years later.

He had not been long in Canada before he threw himself into the politics of the Dominion, which the British North America Act of 1867 had recently called into being; and from that time till his last illness he never ceased to write on public affairs. It is however only one branch of his political activity in his adopted country that needs to be noticed, and to it I shall presently advert.

Regarded as a politician Goldwin Smith belonged to a type rare in his own generation and now practically extinct, a type whose nearest affinities were to be found in the republicans of Rome or, still better, such English statesmen of the seventeenth century as Pym, or Sir Henry Vane the younger or Algernon Sydney. He was an austere moralist, with more of the ancient Stoic than of the Christian in his view of life, and his politics were built on the foundation of his ethics. Theoretically a republican, and practically, as he would have deemed himself, a democrat, there was nothing Jeffersonian in his view of the people. He felt for the sufferings of the poor as a Christian ought to do, and he valued human equality as a philosopher ought to do. He disliked courts and all distinctions of rank, and above all the power of wealth. But he had no great faith in the multitude. His Radicalism in British politics expressed itself not so much in wishing to deliver power to the masses, as in wishing to take it away from the classes that were, as he thought, abusing it for their selfish purposes. He had not the making of a popular leader, for he would have felt bound to tell the people of their faults.

When in the fifties he began to think and write on the

politics of Britain, the belief that the colonies would soon fall away from the mother-country, and that it would be for their good and her good that they should become independent communities, was pretty general among British statesmen. It may be found expressed even in a letter of Disraeli's, and it was doubtless held by Cobden, though I do not remember that Mr. Gladstone ever committed himself to it. Goldwin Smith accepted it the more readily because his feelings of humanity were often shocked by the oppressions practised by Europeans upon the native races with whom they came in contact, and he wished to keep England free from any such stain. Jingoism, though not yet called by that name, was just beginning to show itself in England, and it filled him with disgust. In 1863 he published in a book, called *The Empire*, a series of letters in which he argued against any further extension of British dominion, and assumed the ultimate independence of the colonies inhabited by white men to be the natural and proper issue of their development. When he settled in Canada he applied this doctrine to her case, at first contemplating her growth into an independent republic, but afterward conceiving that she ought to unite with the United States. Geographical and commercial considerations seemed to him decisive on the point. When it was pointed out to him that it was better that more than one experiment in democracy should be tried, and that the English-speaking race on the American continent ought not to put all their eggs in one basket, he half admitted some force in the argument, but presently fell back to his previous conviction. This view, which had in 1871 some supporters in Canada, found less and less favour there as years went on and as the Dominion grew. But Goldwin Smith was not the man to yield to any majority, however large. The more unpopular his opinions became, the more vehemently did he continue to urge them, till at last most Canadians knew him chiefly as the man who wanted them to turn their backs on the mother-land and be swallowed up in the vast republic to the South. He was, for a scholar, and historian of first-rate ability, extraordinarily set and dogged in his views and unwilling to recognize the signs of the times when they went against him. In 1897 he was well aware to how much odium his attitude had exposed him, for I remember that when on the occasion of a conferring of some honorary degrees by a Canadian University, I observed to him, "You of course

have one already," he replied that he was the last person to whom they would give one. It was not until 1907 that he sadly admitted to me that his cause was hopeless, there being by that time virtually no Canadian voices raised in favour of union with the United States.

This discouragement, however, and this sense of his own unpopularity, neither lessened his activity nor embittered his language. He was far too proud to complain, or to let any one conceive whatever vexation he felt, and he continued to pour forth a stream of brilliant writing on current Canadian issues, denouncing anything that savoured, however faintly, of corruption, censuring what he called the "opportunism" of successive Prime Ministers, deploring the evils of party government, and pointing out to the Canadian farmers the benefits which free trade would confer on them. His productivity was the more wonderful because he wrote with equal mastery on historical, economic, and literary topics. His magazine called *The Bystander* was all the work of his single pen. Neither did he neglect European affairs. He frequently wrote letters to English newspapers; and when Mr. Gladstone brought in his first Home Rule bill, in 1886 he appeared as one of its most determined opponents. To many English Liberals this came as a painful surprise, for he had written, thirty years previously, the most powerful indictment of English rule in Ireland that had ever proceeded from an English historian. *Irish History and Irish Character* is one of the best of his books, presenting in small compass a complete sketch of the causes which produced the misfortunes and the discontent of the Irish people. However the remedy which Mr. Gladstone proposed seemed to him to go too far, and his sympathy had been, like Mr. Bright's, alienated by the acts of violence which had stained the Irish agitation, and by the bitterly anti-English attitude at the election of 1885 of some of the Irish leaders.¹

Little as his opponents knew it, Goldwin Smith was an intensely patriotic Englishman, though his idea of patriotism differed from theirs, and disposed him to openly con-

¹ In the course of his denunciations of Home Rule he attacked with some acrimony Mr. E. L. Godkin, who was advocating it. Mr. Godkin, who never took anything "lying down," replied in a similar strain, and a breach of friendly relations followed. Some years afterward Goldwin Smith repented, and wrote desiring a reconciliation. Godkin accepted gladly the outstretched hand. Both were preachers of righteousness in politics, so there was joy among their common friends.

denn his country when, as in the case of the South African War, he thought her in the wrong.

He was more of a statesman than of a politician, and more of a political thinker than of a practical statesman, by which I mean that his gift lay rather in seeing the principles to be applied than in knowing when and how to apply them. His thinking was broad, luminous, comprehensive, elevated, and if it was less imaginative than Burke's and less ingenious than Walter Bagehot's, there was perhaps no one, except Bagehot, among his contemporaries who rose superior to him in grasp, and certainly no one who equalled him in the power of expression. Yet this very gift of expression was a source of weakness, or perhaps the revelation of a fault in the structure of his mind. When he came to England in 1876 for the first time after his departure in 1868, I invited several eminent historians to meet him at dinner, and among them John Richard Green. Goldwin Smith talked brilliantly, as always; and the next time I met Green I asked him how he had been impressed. "He appeared to me," was the reply "to be always locking the door." Green meant, as he explained, that Goldwin's habit was to sum up all he had to say on a subject in two or three striking phrases, which seemed to leave nothing more to be said, and arrested the further play of mind and talk on the question under discussion. Never before had I quite understood what it was that made his conversation, full of knowledge, reflection, and penetration as it was, unsatisfying. His intellect, strong and clear, lacked that sort of fineness which perceives that there is a subtlety in nature—*i. e.*, in human things as well as external objects—which no power of words can fully compass or express, and it lacked also that flexibility which enters into the minds of others and feels that the phrase which satisfies the speaker himself may not satisfy them. His conversation was not monologue, for he did not, like Macaulay, appropriate the field to the exclusion of others. But it was the deliverance of his own opinions rather than an interchange of ideas, and the interlocutor seldom felt that what he put forward had much effect in modifying what Goldwin had already settled for himself.

There was in him that note, characteristic of the prophet, that you could not argue with him, for, like other prophets, he was eventually a solitary soul, and did his thinking alone, brooding in silence over all he read or saw, seldom influenced

by others. When he began to deliver himself, it would hardly have startled one if the first sentence had been "Thus saith the Lord." Without the glowing intensity of Mazzini, he gave the same impression of unshakable conviction. The weakness of this splendid independence is that it often disables a man from following the movements of opinion in the world around him. As Mazzini would never admit that Italy could be free and prosperous except under a republic, Goldwin Smith continued to cling to the ideals and doctrines of his early manhood. Some of those doctrines have been proved to be sound. It would have been well for the British people if they had taken the advice he gave them forty years ago to reconstruct their House of Lords in a deliberate way before a party crisis arrived. But even before old age overtook him he had lost touch with British politics, though he continued to write about them with the old confidence. About seventeen years ago I had from him one letter after another urging that English Liberals should unite themselves and find a live political issue in a campaign for the disestablishing of the Church of England. That was just the time when every careful observer in England had begun to perceive that the sentiment for disestablishment was becoming weaker, because other questions had begun to fill the public mind, and that to raise the issue would bring no strength to any party that raised it. Aversion to ecclesiastical power had been always among the principles he most cherished. It was the only thing he had in common with Froude, whom he heartily distrusted and disliked. Though he had dropped all dogmas, he was of a profoundly religious temper, and held that religion had suffered and would continue to suffer from any connection with the civil power; whether as ruled or as ruler.

Though two prophets could be hardly more unlike than were he and Carlyle, there was this point of resemblance that both talked exactly like their books. Carlyle was, to be sure, far more picturesque and vivid, but Goldwin Smith's discourse was more perfect in form. Every sentence might have been printed just as it fell from his lips without needing any correction, yet there was no sense of effort, no straining after effect. He had indeed a genius for expression, and a power over language, even more remarkable than his power of thought. Nor was this confined to English. His Latin style was unexceptionally classical—*i. e.*, what-

ever a Roman might have thought of it, no one at Oxford or Cambridge could detect any error. Yet it was not, like the Latin compositions of nearly all modern scholars, imitated from Cicero or Livy or Tacitus. It was his own style, just as the Latin of Erasmus or Francis Bacon is their own. He handled the language with the same ease and felicity as he did his mother-tongue.

He was one of four men who may be deemed to have been in his time the chief masters of English prose. Two of them everybody will place in the front rank. I mean J. H. Newman and John Ruskin. A third is less known, because he wrote on subjects that do not attract the general public, but those who have studied the collected essays of F. W. H. Myers, a poet who wrote so little that he is almost forgotten except by those who read him when he and they were under thirty, will probably agree with the view that no richer and more melodious prose has been produced in our time. The supreme merit of Goldwin Smith's writing is the union of clearness, strength, and brevity. Its weakness lies not in the diction, for that is hardly to be surpassed, but in the fact that, in his articles or books the argument does not march. Each, be it book or article, is not so much a connected whole as a series of splendid paragraphs. There is no effort, and the epigrams are not dropped in or plastered on to light up the narrative and argument. They seem inevitable, because the most natural as well as exact expression of the writer's thought.

Surely no one in our time has possessed an equal gift for terseness. His history of the United States is a slim volume which can be read through between lunch and dinner, but it contains everything that is essential for a comprehension of the growth of the North American colonies, of the causes and course of the Revolutionary struggle, of the struggle over slavery and the Civil War that followed. Compressed narrative is usually dry narrative. But his skill in selecting the salient facts and his power of setting in the strongest light, by a few touches, a character or a dramatic situation keeps the reader's interest from flagging for a moment.

Froude also wrote well. But one could not trust Froude; for he was a partisan, he was capable of hideous blunders, and he was apt to sacrifice truth to literary effect. Goldwin Smith was as thorough in the substance as he was finished in the execution of his work. I remember a remark of E. A.

Freeman, made when they were both in Oxford: "Where," he said, "does Goldwin get his knowledge? He is not a great reader, he is not what you would call a learned man, like Stubbs, yet he seems never to make mistakes." He was not very learned, but he had that instinct of a trained historical mind which keeps a man out of errors. If he knew a thing, he knew it right. If he did not know it, he knew his own ignorance and avoided the pitfalls into which heedless men stumbled. And he had also a talent for hitting on some small trait or incident characteristic of the man or the time, and enlivening his narrative by it. One of the charms of his talk was the profusion of anecdotes of the famous men of the generation just before his own which he liked to pour forth, as he lay back in his leather armchair beside the fireplace in his stately old house at Toronto, raising and dropping his head as he talked, poising the heel of one foot upon the toe of the other, and slowly swinging both from side to side.

Why with talents which made him the peer of the greatest men of his time in England or in North America, and with the enormous advantage of being able to command his whole time because he never had to work for his living, why did not his untiring industry issue in some historical or philosophical work which would have seized and held the attention of the world and preserved his name for many a year to come? The obvious answer is that his interest in what was passing, and his eagerness to refute errors and denounce evil-doers, lured him into journalism and made it a habit without which he could not live. But one may suspect that his mind was really rather critical than constructive; and that some sort of subconsciousness of this fact prevented him from essaying any very large task in which he would have had to fit many parts into a great whole. Moreover the historian, hardly less than the politician, must be able to go on always learning, following the movements of increasing knowledge and the course of events as they happen, and letting all the breezes of the time blow through his mind. This was not Goldwin Smith's way. His opinions on history, as well as on politics, had crystallized long before he was fifty, and though he added much to his store of knowledge, his views underwent no development. For thirty years he continued to repeat that party government was a crying evil both in Canada and in Britain, but never did he

suggest any other means of working a Parliamentary system. In this glacial fixity of opinion he resembled Disraeli and Bright, who (from causes that need not be here discussed) retained through life, very little modified, the views each held when he entered Parliament, but was unlike Peel and Gladstone, both of whom kept an open, and, as some thought, a too open, mind. But one must remember that Peel and Gladstone lived in the middle of the strenuous and multiform public life of England, where many influences of men equal to them in knowledge if not in power were always playing on them. Goldwin Smith stood isolated in Toronto, in little direct contact with practical politicians, his intellectual primacy so generally recognized that the views of others failed to have their due effect upon him. Better had it been for him to have remained in the midst of the political life of London or of the intellectual life of Oxford. As things turned out, one must regretfully admit that his life-work in politics at least was less than might have been expected from such admirable gifts. So far as Canada was concerned, he was the apostle of a lost cause; and perhaps his greatest service, both to the United States and to Great Britain, was rendered in the days of the American Civil War, for at a time when a large part of what called itself "society" in England, and still more in France, had shown itself in sympathy with the Slave States, his writings presented the case for the Union with incomparable earnestness and power.

Those who were struck by his grave and almost stern aspect, no less than those who read his scathing censures of the sins of public men, were apt to mistake his character. Austere indeed it was, making too little indulgence for human weakness, but beneath his austerity there was not only an abundant sense of humour, but a great tenderness and power of sympathy. His many acts of personal kindness to the suffering and needy were known to few, for he carefully concealed them. His willingness to exert himself and spend his time in the promotion of any good cause was unfailing. He was perfectly disinterested, altogether superior to any of the vulgar ambitions. Though more sensitive than a politician ought to be, he was not vindictive. His strictures on Disraeli were no more severe after Disraeli attacked him than they had been before, and they were due, not to any personal resentment, but to the scorn which he

felt for Disraeli's untruthfulness. No imputation could have been more absurd than that which the latter cast on him of being "a social parasite," for he was an intensely proud man who never asked a favour or met any one except on terms of equality. With him indeed pride was so great as to exclude vanity. He hardly ever referred to any success he had achieved, and when his Oxford friends wished to present to the University picture-gallery in the Bodleian a portrait or bust of him, he declined the compliment. It was a pity, for he had a noble head, with features which well expressed the dignity of his character. Few men have so consistently lived up to the lofty standard of conduct which they set for themselves and exacted from others, and few have shown in their writings as well as in their action a more constant loyalty to truth and to the highest interests of humanity.

The last time I ever saw him in public was in 1907 at a gathering of the Canadian Club in Toronto under the presidency of the Governor of the Province. He attended it, not meaning to speak, though he ultimately said a few words. There was in the large and crowded hall hardly any one, either among the elder men, leaders in local society or of the youth of the city, who agreed with his political views, and many of the younger sort had been brought up to look upon him as the dangerous man who wished to see Canada annexed to the United States. But when he walked slowly through the throng to his seat on the dais, his stately figure, still erect in extreme old age, they all remembered how many acts of private benevolence he had done, how sincere, how upright, how courageous his course of life had been, what an example of unselfishness he had set, what lustre his genius had reflected on their city and their country, and a sudden tempest of applause swept over the hall.

JAMES BRYCE.

COMPLETING THE ANTI-TRUST PROGRAMME

BY SAMUEL UNTERMYER

THE constructive legislation which the Administration has already achieved points to the belief that Congress will approach with confidence the next step in the programme of releasing business and credit from the shackles of the special interests. It is not claimed by the framers of the Anti-Trust Bills now under discussion that they are not capable of substantial improvement in important details, and free criticism has wisely been invited as when the Tariff and Currency Legislation were pending. It is in that spirit, and as an ardent champion of the fundamental principles embodied in the Bills, that I enter upon this brief and all too inadequate discussion of their merits and defects.

For convenience they may be generally classified as affecting the following subjects:

1. Interlocking Directorates.
2. Holding Companies.
3. Amendments Supplementing the Sherman Act.
4. "Definitions Bill."
5. Trade Commission.
6. Railroad Bond and Stock Issues.

The following suggestions are respectfully advanced with respect to these Bills, which, by the way, should be consolidated into a single bill.

Interlocking Directorates. This and the "Holding Companies" and "Bond and Stock" Bills are in line with three of the twenty-seven Recommendations of the Report of the Pujo Committee that were intended primarily to restrict the power of the Money Trust. The two first-named Bills should constitute the most important part of the pending Anti-Trust programme.

In its present form the Interlocking Directorates Bill is too drastic in some respects, whilst in others it is believed

to be ineffective and unworkable. It strikes only at the form and does not reach the substance of the greatest existing evil in corporate management. The practice of permitting men occupying the fiduciary relations of Directors to hold the inconsistent positions that are necessarily involved by their service on the Boards of competing financial and industrial institutions is contrary to the most elementary rules of fair dealing. Having tolerated that practice, we ought not be surprised to find them dealing with themselves and using their corporations in their own interest. The opportunities for direct and indirect secret and illicit profits from this trust relation have in the past been so prolific that the most powerful men in the financial world have been attracted to their Boards of Directors and have served without pay.

It may be that under the new code of ethics that will be ushered in with this legislation these men will not find it to their advantage to continue to serve, and that we shall have a less formidable array of names on the Boards of great corporations. If this shall prove to be the result, it will not be without its compensating advantages. There will be at least concentration of energy upon the interests of the companies that these men will serve, instead of scattering it over numerous corporations with conflicting interests.

In no other country has the system that has grown up with us been tolerated. Interlocking Directorates in competing companies are unknown in other countries. Their Boards are small in number, the Directors are adequately paid—as they should be with us—by fixed salaries and frequently by an interest in the profits, but they are held to a rigid responsibility. With a reduction in the number of our unwieldy Boards there will be plenty of men to go around. There will be less delegated and more real management.

The difficulty in solving this problem is not on the point of Interlocking *Directorates*. It is in the interlocking *control* that the vice lies, whether evidenced by identity of stockholdings, through voting trusts, dummy directors, or otherwise.

The Bill is too rigid in prohibiting, without limitation, any person from being an officer or Director of more than one bank. There is no reason why the same person should not be largely interested and represented on the Boards of Di-

rectors in different banks in different cities that by reason of their location are necessarily non-competitive. On the other hand, the Bill would permit the same person to own or control all the banks in a given locality, and to manage them through dummies. It ought to be entitled "An Act to Substitute Dummy Directors in Banks." It will unsettle business, and will not reach the evil at which it is aimed.

The following changes are suggested:

1. Confine the prohibition to Directorships in actually or potentially competing corporations.
2. Extend that prohibition so that no person can own or be beneficially interested to an extent exceeding ten per cent. of the stock in any competing corporation without the consent of the Trade Commission or of the Interstate Commerce Commission in the case of railroads and under regulations as to the voting of the stock to be prescribed by the Commission and that will permit it to discover attempted evasions.
3. Exclude from the operation of the Act Banks in all Cities of less than 100,000 inhabitants. The danger from the concentration of the control of credits for great enterprises arises from the conditions in a few big Cities. There is no occasion to hamper small business.
4. Prohibit "dummy" Directors and all other forms of hidden control and vest in the Trade Commission the power to determine and enforce all such prohibitions.

It is impossible to lay down general prohibitions beyond the rigid rules above specified that will be sufficiently broad to cover all cases and that would not do incalculable harm. The question to be solved is such that the statute cannot be made effective and at the same time self-executing. There must be discretion lodged somewhere, except in so far as the prohibition relates to control of or representation in competitive corporations. There it may be specific and rigid.

The few simple regulations that could safely be laid down must be supplemented by delegating the power to an executive body to ferret out and prohibit every form of interlocking control of competing corporations.

The Fourth section of the Act is clearly unconstitutional. By its terms the mere fact that the same man is a Director in two corporations that are or may have been at any time in the past competitive makes him *conclusively* guilty of a crime and renders both corporations *conclusively* violators of the Anti-Trust law.

The provision should be changed so that the fact of such a common Director shall be only *prima facie* and not conclusive evidence of guilt. That would still impose the bur-

den upon the Director and the corporations concerned, but would give the opportunity to rebut the presumption by proving the facts. None of the prohibitions of the Bill should apply to Directors of Mutual Savings Banks that are not conducted for profit.

Holding Companies. Here, again, it is impossible to lay down a rigid rule that would be effective except to the extent of prohibiting any corporation from holding the stock of an actual or potential competitor. All other holdings by a corporation of stock of another corporation should require the approval of the Trade Commission.

The proposed Bill makes no change whatever in the existing law. It is the most impotent of this entire body of legislation. The permitted continuance of abuses is a grave injustice to the oppressed minority stockholders. It will probably be construed as impairing their existing threadbare remedies. The problem can be solved without surrendering it, as is done by this Bill.

It may be stated as a general proposition that the holding company has been a blight upon corporate management; that it is responsible for many of the worst abuses, not the least of which is the oppression of minority stockholders. Ordinarily it should be a legal maxim in the regulation of corporations that every corporation should manage itself and should not be managed or controlled by any other corporation. And yet there are many cases in which the application of this rigid and drastic rule would seriously and unnecessarily embarrass legitimate enterprise for which provision can be made without entirely denying relief against existing abuses.

There are exceptions that should be engrafted upon the rule, but they assume so many phases that no law could be framed to provide for them specifically without almost destroying the rule. It has been suggested that the prohibition be made general, except that in States that require local incorporation in order to hold the title to lands, and a few other cases, such holdings be permitted. That suggestion offers no solution. There are many other classes of holding companies that are essential to modern business. Such companies have been formed to acquire interests in various gas, water-power, electric-light, street-railway, mining, and other businesses in various parts of the country that are necessarily non-competitive. These companies

issue and sell their own securities against their holdings in other companies, thus equalizing the risks to the small investor. Some of the ventures may be successful; others may be failures. Conservative investors, who may not be willing to put their money at the risk of a single mining venture or public-service corporation, find this a favorite form of minimizing their risk.

Holding companies are also essential in the extension of our foreign trade. If, for instance, a merchant wants to extend his business to a South American country by establishing a factory or branch there, he would naturally require local management and would interest local capital in the enterprise, but the home corporation would furnish the bulk of the capital and have the controlling stock in the foreign company. The same is true of railroad companies having part of their mileage in a foreign country held in that way because of the law of the foreign country.

It should be the province of a Trade Commission to authorize such holdings and to determine the character of securities that may be thus held.

If, after prohibiting the holding by any corporation of the shares of an actual or potential competitor, the Bill were to further prohibit all other stockholdings except as approved by the Trade Commission and apply the rule to existing companies, we should have a reasonable solution of the problem. These questions are not so inherently difficult that they should be given up in despair.

Amendments to the Sherman Law and the "Definitions Bill." There are four fundamental defects in the present Anti-Trust Law which should be corrected by supplemental legislation before it can be regarded as an effective remedial statute. All of them refer to the administrative features of the Act, and all are intended to be reached by these two Bills. They are:

1. To fix personal responsibility for illegal corporate acts. The corporate form is a mere shield behind which the individual acts. The now trite saying that guilt is personal should be written into every line of the law.

Section 4 of the much-criticized "Definitions Bill," which we are now told is to be abandoned, supplies this defect. It is said that the officers, directors, and agents who do authorize any of the acts now prohibited are individually liable under existing law, but the statute does not so state

in so many words, and the Act has not proven successful as a criminal statute. Whatever doubt there may be as to such individual liability should be and is set at rest by Section 4. The Bill would also bring within the law a number of existing practices that should be regarded as violations. The business of the Associated Press as now conducted may be cited as an illustration of this class of case. It would be difficult to conceive of an industry more peculiarly impressed with a public use than one which is engaged in gathering and distributing the news of the world. Its importance as an agency of commerce is fully as great as that of the railways. It ought not to be possible, as it apparently now is under existing law, to obstruct competition in the newspaper field by denying its facilities to a new enterprise.

The "Definitions Bill" as now drawn would have to be slightly enlarged by the addition of a few words to include cases that are not now plainly within the scope of the Anti-Trust Law, of which this is offered merely by way of ready illustration. The Bill painstakingly preserves the meaning and effect of the present law. It enlarges and makes more precise the cases of violation, but as to existing offenses it in no way disturbs the construction put upon the Law by the decisions. There is no basis for the claim that it would unsettle the law unless language is meaningless.

The argument that is advanced in many reputable and disinterested quarters, that to enumerate and define restraints of trade would weaken the law as now constituted, is based upon the assumption that Congress is incapable of making itself understood by the Courts. The proposed "Definitions Bill" specifically provides that the supplemental legislation shall not limit or restrict the meaning or effect of the existing legislation.

In the face of these provisions it is argued that the scope and effect of the existing provisions as now construed by the Courts will be weakened by the attempt of Congress to make it plain that existing violations as construed by the Courts shall continue to be violations, and that other specific acts upon which the Court has not yet expressed itself and which may or may not be violations under the law as now framed shall hereafter constitute violations.

We are not referred to any provision in the proposed amendment that could possibly have any such result. All were intended to enlarge existing rights and remedies. The

argument is quite inadmissible. On that theory Congress could never safely undertake to amplify any existing law.

2. To provide effective machinery for (a) discovering violations and (b) for executing judicial decrees for the segregation of unlawful combinations and to see that they are kept disintegrated.

This cannot be accomplished by the Courts. Their procedure is not adapted to that purpose. An executive body is needed to assist in devising the Plan of Disintegration and to watch over its execution. It should include the right to decree actual partition of the property that thus comes under the jurisdiction of the Court, to the end that these combinations be dissolved as nearly as may be into their original component parts, and so that no one who is interested in one of the segregated parts shall be apportioned or permitted to acquire an interest in the others.

3. To provide an adequate and independent remedy in equity to all who are or may be injured by the existence of a combination in violation of law to enjoin its further continuance, or, if necessary, to dissolve it. I doubt whether any of the existing Trusts, pools, or secret arrangements with which the country is now honeycombed in one form or another would ever have come into being if such remedies had been originally provided.

It is a far more effective way of preventing them in the future than Government prosecution. The remedy at law given by the statute is in most cases meaningless. The damages are rarely provable under our rules of evidence, which require that they must be shown to be the proximate cause of the injury. The very existence of the violation is often *in and of itself* the only cause of complaint and the most destructive factor. The illegal corporation may do no specific overt illegal act. Its domination of the industry may be its only offense.

Section 13 of the Bill to Supplement the Sherman Law supplies only a partial remedy. It permits an individual to sue in equity for an injunction, but still renders it impossible for him to sue for the dissolution of the corporation.

The only real remedy in such a case is to dissolve the combination. Every person injured should have that right. He should not be required to await the slow processes of Governmental action. Many persons have been ruined before that could be invoked. The objection is made that the granting of such a right would deluge the corporation with baseless lawsuits. Every one is subject to lawsuits that may be

without foundation. Why should corporations be protected against a particular class of injuries that they may inflict when neither they nor individuals are immune against being haled into Court for every other class of alleged injury? Our Courts and legislators have gone too far toward restricting the right to sue corporations. The Supreme Court rule with which minority stockholders are required to comply before they can assert their rights has been a standing encouragement to corporate abuse. If the books of the corporation and the Courts had been thrown wide open to every shareholder much of the carnival of corporate corruption that has disgraced the country would have been avoided.

It has become too much the fashion to cry "blackmail" at every effort of oppressed minority stockholders to protect themselves against dishonesty in the management of their corporations, and the Courts have lent too ready an ear to that plea.

Any possible peril in allowing this form of action in equity to an individual may be avoided by requiring that the Government be made a party, and that the suit cannot be discontinued without its consent and by giving to the Government the right at any time to assume the prosecution of the action or to withdraw from the suit, and providing further that unless the Government assumes the prosecution it shall not be bound by the judgment. This would obviate all possibility of using the right to oppress the corporation.

4. Any judgment secured by the Government either in civil or criminal proceedings declaring the corporation illegal should be available to every injured person. The expense of independent action is often prohibitory, and there is no reason why the Courts should be called upon in each case to again try the question of illegality where it has once been determined against the corporation.

Trade Commission Bill. The latest Bill promulgated by the House sub-Committee covering this subject is most disappointing to the friends of corporate regulation and reform. It relegates the Commission to the position of a mere annex to the office of the Attorney-General. It cannot even enforce the attendance of witnesses or the production of books without his approval. It can inaugurate no inquiry on its own account to determine whether the law is being violated.

One can appreciate the wisdom of starting with small beginnings and of making haste slowly in entering upon this new field of Federal supervision with the purpose in mind of adding to the power of the Commission from time to time as experience may warrant. The power of the Interstate Commerce Commission was evolved in that way. But if that Commission had started, as proposed by this Commission, as a mere adjunct of the clerical force of the Department of Justice, it would not have had the opportunity to vindicate its usefulness and its authority would never have been enlarged. If it had been compelled to await the direction of the Attorney-General in the case of each corporation before it could investigate whether rates were too high, or illegal rebates were being allowed, or other unjust discriminations practised, it would have made no headway in correcting the then existing abuses.

This Bill does not permit the Commission to go " hunting for the rat " until some other body or official has " smelled him " and directed the chase. There is no provision for complaints by injured parties and no power to act independently upon them. The Bill has been carefully stripped of all vitality and is a mere empty shell.

There is no attempt here to deal with the innumerable secret arrangements in the forms of pools fixing prices, limiting production, and otherwise restricting competition, " gentlemen's agreements," and other similar devices with which the country is honeycombed. It is estimated that they exist in one form or another in about one-half of the great manufacturing industries of the land. They are far more perilous to competition than the corporate forms of restraint of trade. The jurisdiction of the Commission under this Bill is limited to *corporations* with assets of \$5,000,000 and over. These arrangements are never in corporate form. How are they to be reached unless the Commission is given power to require information of every business engaged in interstate commerce regardless of whether it is in corporate form?

True, the Commission may classify corporations so as to include others, but these are not corporations and they have no capital stock. The same criticism is true of the failure to provide for supervision over such forms of control as " Massachusetts Trusts," under which many unlawful combinations are hidden. They are not incorporated;

there is no supervision over them, State or National. Yet they exist in numbers of important industries and they issue securities that are widely distributed and dealt in all over the country. They elect officers and directors and exercise all the powers of corporations without being subject to any of the corporate restraints or responsibilities. They have stood the test of legality as to form and are represented in hundreds of millions of invested capital. This Bill would not even offer a way of inquiring into their existence.

This should be the central feature of every Anti-Trust programme. For every dollar of tribute that is laid upon the people by private monopoly or corporate consolidation it is within bounds to say that one hundred dollars are taken by the secret understandings between competitors.

Unless they are included in the programme of Government regulation the legislation might as well not be undertaken. This Bill should be the most effective part of the programme. It is the most innocuous. It pretends to regulate and accomplishes nothing.

If this represents the entire authority proposed to be delegated, there is no excuse for interfering with the present Bureau of Corporations or of incurring the added expense of paying salaries of a Commission to do very little more than the Bureau now has power to do.

But the main criticisms of the Bill rest upon the total lack of power of initiative as the result of investigation. Why should there be left with the Attorney-General the sole authority to enter into agreements with offending corporations for the removal of violations or for bringing the corporation within the law? Why not delegate this power to the Commission, or, in the case of railroads, to the Interstate Commerce Commission, with the sanction of the Attorney-General? Are all the corporations of the country to be placed under the absolute domination of the Department of Justice with the sole right to determine their fate?

The same objection applies with added force to Section 12. It should be the province of the Trade Commission, and of the Interstate Commerce Commission in the case of railroads, to perform for the Courts the burden of framing Plans of Segregation and Readjustment of unlawful combinations, subject to the approval of the Court, and to retain jurisdiction, under the direction

of the Court, of all corporations that have been thus segregated, *so as to see to the proper enforcement of the decree*. Until we have such a body, charged with that duty, there will be no such thing as an effective dissolution of unlawful combinations. This Bill refrains from granting that much-needed power and contents itself with granting to the Court the power to

at any time during the progress of the case refer to the Commission any question arising *in the litigation* or any *proposed* decree therein.

Whereupon the Commission is to investigate the questions referred to it and report to the Court. The authority here is confined to assisting the Court *during the progress* of the litigation. There is a significant absence of power to look after *the execution of the decree*, which is above all others the power most needed. The Bill should require that the *execution* of these decrees be delegated to the Commission charged with the duty to see to their continued performance, subject always to the direction of the Court, and that application may be made from time to time by the Commission to the Court, at the foot of the decree, for the purpose of enforcing effective disintegration.

As before stated, the Commission should also have intrusted to it the authority to permit corporations to hold the stock of other non-competing corporations under prescribed rules, and to prevent interlocking control of potentially competing corporations through stockholdings, dummy directors, and other devices.

Railroad Bonds and Stock Issues. The necessity for the control of these issues by the Interstate Commerce Commission, which was made apparent by the testimony taken by the Pujo Committee, is now generally recognized. If it can be made exclusive by depriving the States of further supervision that would conflict with the work of the Federal Commission on that subject, it would be a relief to the corporations to which they are justly entitled.

In connection with this legislation there should, however, be provisions (a) forbidding fiscal agencies, (b) forbidding interstate corporations from depositing their funds with private bankers, who are subject to no inspection and required to keep no reserves against their deposits, and (c) requiring that all supplies and equipment be purchased by public competitive bidding in like manner as municipalities and States are now required to make their purchases. The

last requirement would minimize the importance of the provision of the Interlocking Directorate Bill prohibiting dealers in equipment and supplies from being Directors of railroad corporations.

Another and perhaps the most important of all the subjects respecting the railroads with which this Bill should deal is that affecting the reorganization of insolvent railroad corporations. They should be placed under the jurisdiction of the Interstate Commerce Commission from the inception of the proceedings. The continuance of the existing scandals in the appointment of receivers of railroad corporations should be rendered hereafter impossible. The appointment by the Courts as receivers of the men under whose management the properties have been brought to the state of insolvency, and without notice to any of the security-holders, as is now the custom, should be ended. The Commission should have notice of every application, and through it the security-holders would find their protection, both at the inception of the litigation and in the formulation of the Plan of Reorganization, which should be required to meet with its approval and be subject to review by the Courts. This would conform the procedure to some extent to that in other countries. With us the reorganization is purely extra-judicial, which it ought not to be. Security-holders are now virtually forced into any plan approved by the bankers, no matter how oppressive.

It is improbable that the Bills will pass in their present ineffective form. It is not claimed that their enactment, amended as suggested, will bring the millennium in corporate management. Much will yet remain to be done in the way of legislation, such as (1) to protect the minority and give them representation, (2) to correct the abuses that are now made possible through the use by the "insiders" of the machinery of the Stock Exchange, and (3) the prevention of National Banks from acting as promoters, underwriters, and issuing houses for securities, and of their officers and directors from exploiting their companies.

All these reforms are bound to come in time. These Bills, properly amended, will take us a long way toward our goal. Let us get what we can, but take what we can get, after making our fight for something substantial, trusting to the future and the awakened conscience of the people for the rest.

SAMUEL UNTERMYER.

COASTWISE TOLL EXEMPTION, TRADE DISCRIMINATION, AND POSSIBLE EVASION OF LAW

BY EMORY R. JOHNSON

It is assumed by those who favor the policy of exemption from the payment of Panama tolls of the men and companies who own the ships that serve the coastwise trade, that this exemption can be no discrimination against the owners and users of ships under foreign flags, because only vessels of American ownership and enrolment can carry goods from one port of the United States to another. Will the exemption from Panama tolls of ships owned by citizens of the United States, or, more accurately speaking, by the coastwise steamship corporations chartered under the laws of some one of the States of the United States, work a discrimination against "the citizens or subjects" of any nation?

The four specific questions involved are: Does Panama toll exemption for the owners of ships serving the trade between the *two seaboards of the United States*, and toll payment by the owners of ships serving the trade between the *two seaboards of Canada and Mexico*, discriminate against any "nation or its citizens or subjects"?

Does toll exemption for the owners of ships serving *the trade between the eastern seaboard of the United States and our west coast*, and toll payment by the owners of ships serving *the trade between European countries and the west coast of the United States*, result in "no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise"?

Does Panama toll exemption for the owners of ships taking goods *from New York to San Francisco or to Seattle for reconsignment and export thence to the Orient*, and the

payment of tolls by the owners of ships serving the trade *from Europe to the Orient*, discriminate against the citizens or subjects of European countries?

Does Panama toll exemption for the owners of ships carrying from Seattle or San Francisco to New York *goods that have been brought to the west coast of the United States from the Orient*, and the payment of tolls by vessels carrying *goods directly from the Orient and Australia to New York* discriminate against the foreign carriers and merchants?

The mere statement of these questions suggests affirmative answers. It will be well to inquire whether the questions represent merely theoretical possibilities or practical probabilities—to examine the trade referred to in these questions, to see whether the competition between those who pay tolls and those who do not will result in discrimination. The following illustrations are intended to be merely illustrative and not to include all phases of trade.

Lumber and fish are now shipped from British Columbia and from Washington and Oregon to the eastern seaboard of the United States. After the canal is opened the trade will be large and the competition between American and Canadian traders will be active. Canadian producers will be served by, or (particularly in lumber shipments) will use, vessels that pay tolls; while American traders will ship by vessels that do not pay canal charges. In so far as goods are shipped by vessels that are chartered by the traders and producers, the costs of securing transportation to the eastern seaboard of the United States *via* the Panama Canal will be affected by the payment, or exemption from payment, of tolls; and the Canadian citizens will suffer a discrimination “in respect of the conditions or charges of traffic.”

The steel required in the western part of the United States for the erection of buildings and the construction of bridges, railroads, and irrigation works can be shipped by the United States Steel Corporation, the Bethlehem Steel Company, the American Bridge Company, the Maryland Steel Works, and other American corporations in chartered vessels—of course under the American flag—that will not be required to pay tolls at Panama; while the British, German, Belgian, and other possible European producers of steel in order to get their goods to the western part of the United States in competition with American producers will be obliged to employ

ships subject to Panama Canal tolls. It is certain "that the citizens or subjects" of European countries will feel that the payment of tolls by them and the non-payment of such charges by their American competitors establishes a discrimination "in respect of the conditions or charges of traffic."

At the present time a considerable volume of trade originating in the southeastern and eastern parts of the United States is carried by rail to the west coast of the United States and exported thence to the Orient and Australasia. Some of this export traffic is now also carried by way of the Isthmus of Tehuantepec and the Isthmus of Panama. After the canal is opened a much-increased volume of shipments from the southeastern and eastern sections of the United States will be taken from the Atlantic and Gulf ports of the United States by all-water routes *via* the Panama Canal to trans-Pacific countries. It is possible that a greater or less share of these shipments will be consigned by the merchants at our Atlantic and Gulf ports to American merchants in San Francisco and other west-coast ports, and the shipments between the two seaboard may be by coastwise steamers whose owners are exempted from the payment of canal tolls. When the goods reach the west coast of the United States they, together with goods that have been brought to those ports by rail, will be reconsigned to their foreign destination in the Orient and Australasia. Shipments from our eastern seaboard to the Orient by way of west-coast ports will not be roundabout or indirect, because San Francisco and Puget Sound ports lie close to the short route from the canal to Japan, China, and the Philippines.

If goods are shipped from New York to the Orient without being consigned to a west-coast American port, the vessels transporting the goods, whether the vessels be owned by Americans or by foreigners, will have to pay canal tolls. Foreign-owned vessels engaged in our foreign trade from the eastern seaboard of the United States to trans-Pacific countries will have to pay tolls; whereas the owners of the vessels which carry similar goods from our eastern to our western seaboard for reconsignment at a west-coast American port to a foreign destination will avoid the payment of tolls. Thus, in competing for the same trade the owners of American ships will have an advantage which the owners of foreign vessels will be denied.

Goods shipped from an eastern port of the United States, such as New York, to San Francisco or Seattle for reconsignment to the Orient will have to be transferred from one ship to another at the west-coast port unless the ship after reaching San Francisco or Seattle should be despatched to the Orient, as it can be if it is a vessel registered for the foreign trade. The fact that it is a vessel registered for the foreign trade would not prevent its being used in the coastwise trade between our two seaboard. If an American vessel presents itself at the canal with a clearance from New York to San Francisco and has aboard it only goods shipped from New York to other American ports, the vessel would presumably pass through the canal toll free. If the same vessel, together with its cargo, was later despatched from San Francisco to the Orient, no penalty would be incurred. The Panama Canal Act exempting coastwise shipping from the payment of tolls would not have been violated, but it would have been evaded. If the goods taken by the coastwise vessel from New York to San Francisco were unloaded and taken thence to the Orient by another vessel, the Panama Canal Act would be neither violated nor evaded, and yet trade between New York and the Orient would have been carried by vessels exempted from the payment of tolls.

Whether trade between the eastern part of the United States and the Orient will be carried on by way of some west-coast American port or directly without reconsignment *en route* will, if the goods are transferred at the port of reconsignment, depend upon the cost of such transfer as compared with the amount of tolls payable at Panama. If goods are not rehandled at the western port of reconsignment, the choice between lines operated directly from the eastern seaboard of the United States to the Orient and vessels operated *via* our west-coast ports will depend upon the relative facilities and rates *via* the alternative routes. Vessels owned by foreign citizens can participate only in the service of transportation by direct routes. They will have tolls to pay. Vessels owned by American citizens may engage in the service *via* the port of transshipment, and no tolls will have to be paid.

For the commerce with the Orient and Australia there is now active competition between the eastern part of the United States and Europe. American producers and merchants are constantly bidding against British manufac-

turers and traders for the Oriental and Australasian trade. The Oriental commerce is now handled almost entirely by way of the Suez Canal. The Australian shipments are more largely by way of the Cape of Good Hope. A part of the trade of the eastern seaboard of the United States with the Orient is now carried on by way of Great Britain and Germany, between which countries and the Orient there is a larger volume of shipping than there is between our eastern seaboard and trans-Pacific countries. With the opening of the Panama Canal, it is not probable that much, if any, of the commerce of the United States with countries beyond the Pacific will be handled by way of Europe. On the contrary, there are reasons for believing that it will be economical to send goods from Europe to New York for transshipment to the Orient, and that New York will become a depot for the handling of European-Oriental trade such as London and Hamburg are now for a part of the commerce of the United States with the Orient.

Freight-rates westbound across the north Atlantic are low, because a much larger tonnage moves in the opposite direction. Our exports to Europe are heavier and bulkier than our imports, and vessels are glad to take traffic from Europe to the United States at relatively low rates. After the Panama Canal is opened there will be a large tonnage of shipping serving the trade between our eastern and western seaboard, and facilities will presumably exist for frequent and economical shipment from New York and other eastern American ports to the west coast of the United States. European goods, both non-dutiable and dutiable, can be entered at New York, and shipped by a toll-free coastwise vessel to a merchant in San Francisco. It may be found profitable to enter non-dutiable European goods at New York, then ship them to some merchant on our west coast for reconsignment or reshipment to the Orient. It will apparently be possible to make this reconsignment without transfer or handling of the cargo at the west-coast port.

Similarly, goods from the Orient to New York can be entered at San Francisco or some other west-coast port and then be put aboard a ship owned by one of the coastwise carriers and sent on to New York or some other eastern port of the United States. Undoubtedly a good deal of the traffic from the Orient to the eastern United States will be transhipped at San Francisco, because there will be lines across

the north Pacific not having services through the canal to the Atlantic ports. The goods brought to the west coast from the Orient will be brought eastward to the central and eastern sections of the United States, partly by railroad lines and partly by coastwise steamship lines. Citizens of foreign countries operating ships serving the trade from the Orient directly to the eastern seaboard of the United States in competition with the ships serving the trade carried by way of west-coast ports will have Panama Canal tolls to pay, whereas their competitors will be relieved from those tolls.

The four discriminations thus far referred to are specific and connected with the trade between particular sections. A broader question of discrimination was raised by the British Government in the note of protest which it submitted to this Government the 14th of November, 1912. In that note Sir Edward Grey refers to the stipulation in the Hay-Pauncefote Treaty that the conditions and charges of traffic through the Panama Canal "shall be just and equitable," and he states that

unless the whole volume of shipping which passes through the canal . . . is taken into account, there are no means of determining whether the tolls chargeable upon a vessel represent that vessel's fair proportion of the current expenditure properly chargeable against the canal—that is to say, interest on the capital expended in construction and the cost of operation and maintenance.

It is also contended by Sir Edward Grey that

any system by which particular vessels or classes of vessels were exempted from the payment of tolls would not comply with the stipulations of the Treaty that the canal should be open on terms of entire equality and that the charges should be just and equitable.

Will or will not the exemption of the ships owned by the American coastwise steamship corporations increase the tolls to be paid by ships owned by citizens or subjects of foreign countries? Tolls are to be levied and collected at Panama presumably to pay the expenses for running and maintaining the canal and for meeting the interest charges on the funds invested in the canal; and it is to be expected that it will be the policy of the United States to make the canal commercially self-supporting, if the traffic is large enough to secure the requisite revenues without unduly restricting the usefulness of the waterway. It will not be the policy of the United States to obtain profits in excess of the

revenues required to meet operating, maintenance, interest, and amortization charges; but, if the traffic proves to be as large as it seems probable that it will be, the policy of the United States will doubtless be to have the canal carry itself commercially—to limit the canal expenses borne by the general taxpayers of the United States to the military and naval outlays required for the defense of the canal and for the maintenance, at the isthmus, of forts and naval bases.

If it shall be, as it ought to be, the policy of the Government to make the canal commercially self-supporting, it is obvious that the rate of tolls imposed must be affected by the tonnage upon which the charges are levied; and that, if the toll-bearing tonnage is reduced by the exemption of the large volume of shipping owned by the individuals and corporations engaged in the coastwise trade, the rate of charges payable by the owners of American ships in the foreign trade and by the citizens owning vessels under foreign flags must be higher than the rate would be if all vessels using the canal were required to pay tolls.

Another fact to be borne in mind is that the toll-exemption clause of the Panama Canal Act will not only discriminate against the trade and shipping in which citizens or subjects of other countries are interested; it will also place a handicap upon a part of our own trade. Most of the trade of Central America and much of the commerce of Mexico is handled through the west-coast ports of those countries. After the canal is opened there will be a large volume of shipping moving between the two seaboard of the United States directly past west-coast Central American and Mexican ports. Those countries are close to the United States. Their exports are needed in our country. Our industries should supply Central America and Mexico with imports. If our ships engaged in trade between the two seaboard of the United States are permitted to stop *en route* at Central American and Mexican ports to discharge and take on cargo, it may be possible to transfer the trade of those countries from British, German, and other European traders to American merchants and to give ships owned by the citizens of the United States the traffic which is now, and under the terms of the Panama Canal Act must continue to be, handled mainly by ships owned by foreign citizens.

The partial statement here made of the handicap that will be placed upon the "citizens or subjects" of other nations

who own ships that serve our foreign trade and the commerce of foreign nations with one another, by exempting from Panama tolls the individuals and corporations owning or chartering vessels that carry our domestic products and our imported goods between our Atlantic and Pacific seaboards, goes far to explain why there was such earnest advocacy of the policy of exempting from toll payments the individuals who own coastwise ships, the large shippers and traders who charter vessels, and the corporations who operate steamship lines. The discrimination in favor of certain classes of American traders, in favor of the producers whose output is large enough to enable them to ship their products in full-vessel cargoes, and in favor of the corporations owning the coastwise steamship lines, is real, and naturally is desired by the prospective beneficiaries.

The coastwise toll-exemption clause of the Panama Canal Act grants an unjustifiable subsidy. The taxpayers of the country who have paid for the Panama Canal are entitled to receive reasonable tolls from the individuals and corporations who use the canal and derive profit therefrom. When the general public clearly understands what is involved in exempting the owners and charterers of coastwise ships from toll payments, it seems certain that the Canal Act of August 24, 1912, must be amended by striking out the toll-exemption clause.

EMORY R. JOHNSON.

AMERICAN RAILWAYS JUSTIFIED BY RESULTS

BY SLASON THOMPSON

Ye shall know them by their fruits. Do men gather grapes of thorns, or figs of thistles?—MATTHEW vii. 16.

WHILE nothing in this world, except misrepresenting the facts respecting American railways, is quite so easy as lying, that is no reason why the truth about them should be befogged through such a medium of intelligent criticism as *THE NORTH AMERICAN REVIEW*. If Professor W. Jett Lauck's comprehensive and seemingly fair treatment of "The Plight of the Railways" in its January issue had appeared in one of our magazines that cater to the prejudices of the ignorant, it would have excited only surprise by its moderation. But for the readers of the *REVIEW*, something more than a superficial familiarity with a subject which the editor truly says is "undoubtedly the most vital practical problem now pressing for resolution" would seem to be a first requisite.

Therefore, calling in such Knowledge as is buttressed by facts, Reason, Truth, and Freedom from undue bias, let us consider the state of American railways.

To begin with, let us frankly acknowledge that they are what they are because they are American—bone of our bone, sinew of our sinew. American railways were originally built on faith and financed on optimism out of the coffers of foreign money-lenders, many of whom have never realized on their investments. In 1850, when the railway mileage in the United States was less than 10,000 miles, the wealth of the country was officially estimated at a little over seven billions (\$7,135,780,000); now, with 250,000 miles of railway, the last official estimate places the wealth at over \$125,000,000,000.

It is impossible to say how much of this bewildering increase is due to the railways, just as it is impossible to imagine any such enormous expansion of national wealth without those railways. To the remotest confines of this Republic they have been the heralds of the dawn of progress and prosperity. Within our generation, or, to be more specific, since 1870, we have seen Oklahoma converted from a trackless buffalo range into a thriving commonwealth by the building of 6,100 miles of railway, mostly on borrowed capital. Oklahoma furnished the opportunity, the railways did the rest.

Throughout the history of American railways what is now called "stock watering" was as necessary and legitimate as rain in Kansas. Every railway extension, except those between thickly settled communities, was a venture into the unknown. Paid-up stock was issued at 25, 50, or 75 cents on the dollar, according as the risk was slight or great. The risk was always present, the uncertainty being as to the extent of the risk and the promise of profit. Even bonds bearing from six to eight per cent. had to be garnished with stock bonuses to command their face value. Backed by all the inducements that selfish promoters and far-sighted projectors could offer, the financing and building of American railways has been one continuous hard scramble, with few intermissions of easy money and years of undiluted prosperity.

In his article in the January REVIEW, Professor Lauck seeks to differentiate between the operating and financial record of the railways, as though the two were not so inextricably commingled as to defy such separation. The two have gone along hand in hand for over eighty years, and nothing short of government ownership can divorce them. He declares that "an economic crime has been perpetrated by the capitalization of the actual and potential earnings arising from increased productive efficiency." This characterization is not original with Professor Lauck. It has been declared in the lecture-rooms of most of our colleges, and the economic theory of which it is the antithesis has been accepted with disastrous consequences in Europe, finding its most glorious exemplification in the \$277,000 per mile capitalization of British railways.

It is pertinent to inquire, since when has it become an economic or any other sort of a crime to capitalize "in-

creased productive efficiency"? It is not only not a crime, but one of the first and most essential laws of human progress. What Professor Lauck denominates an "economic crime" is nothing other than the American railway practice of "one dollar for dividends and one dollar for improvements" out of earnings. Frequently with no dollar for dividends there has been the dollar or some part of it for improvements. At every stage in the development of our railways this has been the practice, that through good and bad times has kept American railways abreast of the exacting demands made upon them by the American people. The practical effect of this "economic crime" may be graphically illustrated in the following comparison with the per-mile capitalization in the countries that have followed the opposite policy:

	Capital or cost per mile.
UNITED STATES.....	\$64,000
Russian Empire	80,902
German Empire.....	115,000
Switzerland	117,000
Austria	118,000
Italy	127,000
France	144,000
Belgium.....	188,000
United Kingdom.....	277,345

Moreover, this "economic crime" that has given us the lowest average capitalized railways in the world, with a carrying capacity greater than all the railways of Europe combined, has been perpetrated with labor costing from two to three times as much as that in any other country named.

In the realm of enlightened reason any such achievement would seem entitled to recognition as an economic triumph or miracle.

Nor let any one suppose that this economic marvel has been achieved at the expense of exorbitant rates to the American people. The railway projectors and builders found travelers in the Eastern States paying *six cents a mile* by stage. By 1869 the New York Central was carrying them at 2.031 cents per mile, and last year it carried 48,018,008 passengers, an average of 36.67 miles, at an average cost of 1.764 cents per mile.

Before the age of railways it cost the American farmer twenty-five cents or more to move a ton of freight one mile.

The first charter to a railway in Pennsylvania in 1823 provided for a seven-cent rate per ton mile. By 1869 the New York Central was carrying freight at 2.527 cents per ton mile. Last year it carried 46,803,761 tons, an average of 199.96 miles, at an average cost of 6.28 *mills* per mile.

These figures are particularly pertinent and illuminating in connection with Professor Lauck's citation of a statement before the Interstate Commerce Commission "that a total of \$93,034,026 of stock had been floated by this company [presumably the New York Central] during the period 1870-1910, for which not a cent was added to the value or earning capacity of the property."

Not a cent added to the value or earning capacity of the New York Central in forty years! It is evident that Professor Lauck has not the faintest conception of the process by which the New York Central has been evolved from the seven independent companies between Albany and Niagara Falls organized, under the title of the New York Central Railroad Company in 1853, into one of the great systems of the United States. As the bald statement to which he has fallen an innocent victim has doubtless been accepted as true by thousands to whom the data for its refutation is not accessible, the facts may be briefly summarized from official and quasi-official sources:

Prior to 1869 the New York Central and the Hudson River Railroad were separate properties connecting at Albany and forming a continuous route to Buffalo. In 1861 they operated 804 miles of line, of which 700 miles was owned and 104 was leased. Including auxiliary track and siding, they had a total of 1,298 miles of all tracks, 276 locomotives, 358 passenger-cars, and 3,412 freight-cars. Their combined capitalization amounted to \$51,501,471, of which \$27,751,466 was stock, and \$23,750,005 was funded debt. Between 1861 and 1870 the annual surpluses after paying interest and dividends amounted to over \$29,000,000. At the time of the consolidation in 1869 the capital stock was increased to \$89,428,330, and the funded debt was reduced to \$13,681,807, making a total of \$103,110,137. It was this transaction in which stock in the new company was issued to take up \$23,000,000 outstanding certificates and also the certificates issued to the stockholders of the two merged companies under the terms of the consolidation act, that has been referred to as "a stock dividend of one hundred per

cent., equal to \$44,428,330." It is doubtful if it more than capitalized the sum of the expenditures out of operating expenses and net income for improvements and betterments upon the various properties during the forty years preceding their final consolidation.

This brings us to 1870—the beginning of that "period 1870-1910" when, according to Professor Lauck's citation, "\$93,034,026 of stock was floated by this company, for which not a cent was added to the value or earning capacity of the property." Happily from this point the facts are easily ascertainable and they can be summarized so as to tell their own story. Here they are:

THE NEW YORK CENTRAL IN 1870 AND 1910.

	1870	1910
Mileage—owned	737.7	805.4
" leased	104.4	2,782.3
Total operated miles.....	842.1	3,587.7
All tracks (miles).....	1,522.0	(1) 8,643.0
Locomotives	400	2,323
Passenger-cars	445	2,390
Freight-cars	9,026	69,713
Cost of road.....	\$48,130,461	\$167,635,345
Cost of equipment.....	11,635,222	84,220,702
Undistributed		384,208
 Total	 \$59,765,683	 \$252,240,255
Capital stock	\$89,428,330	\$222,729,300
Funded and secured debt.....	13,681,807	268,592,426
 Total	 \$103,110,137	 \$491,321,726
Deduct—		
Book value system securities.....		\$134,670,396
Other permanent investments.....		7,875,253
Working assets		(2) 89,556,046
All other deferred debts.....		51,725,570
 Total deductions (assets).....		 \$283,827,265
Net capital charge against property.....	\$103,110,137	\$207,494,462
Working and accrued liabilities.....		29,204,990
 Total net capital and liabilities.....		 \$236,699,452

(1) Of these tracks 3,029 miles were owned and 5,614 were leased.

(2) The details for this item were not reported to the Commission in 1910. In 1911 they were cash, \$20,708,255; securities issued or assumed, \$10,745; marketable securities, \$28,197,330; accounts receivable, \$40,590,287; materials and supplies, \$10,015,887. Total, \$99,522,504.

It is evident from this statement that the New York Central has more than sufficient property to represent every cent of capital stock issued either before or since 1870. The appraisal of its 3,029 miles of track and terminal properties and leased mileage is impracticable, but from the known cost of locomotives (\$15,000 to \$40,000 each), passenger-cars (\$8,000 to \$10,000), and freight-cars (\$800 to \$1,200), the \$84,220,702 reported as cost of equipment is probably far below its actual cost.

So much for the value of the property. Now as to its earning capacity. This is shown in the following statement of performance:

PUBLIC SERVICE OF THE NEW YORK CENTRAL IN 1870 AND 1910

	1870	1910
Passengers carried	7,044,946	46,887,133
“ “ (one mile)....	321,365,953	1,708,285,825
Average journey	45.3 miles	36.43 miles
Passenger revenue	\$6,738,592	\$29,727,748
Average receipts per passenger mile	2.097 cts.	1.740 cts.
Freight tons carried.....	4,122,000	46,642,539
“ “ (one mile).....	769,087,777	9,103,015,567
Average haul	186 miles	195 miles
Freight revenue	\$14,489,216	\$56,871,058
Average receipts per ton mile....	1.884 cts.	6.25 mills

Here is a record of earning capacity achieved by the combination of financial ability and operating efficiency that might challenge credibility were the facts not accessible. With an increase of only 327 per cent. in the investment accompanied by an increase of only 130 per cent. in capital liability pertaining to this property, there is shown an increase of 432 per cent. in passenger traffic and over 1,085 per cent. in freight traffic. But more wonderful still is the fact that this amazing increase has been attended by a reduction of twenty per cent. in the average receipts per passenger mile, and of over sixty-six per cent. in the average receipts per ton mile.

If the average passenger fare on the New York Central at the close of the period 1870-1910 had been the same as at the beginning, the passenger revenues in 1910 would have been \$35,822,000, instead of \$29,727,748, as they were; and had the freight-rates been the same in 1910 as in 1870, the freight revenues in 1910 would have been \$171,500,802, instead of \$56,871,058, as they were.

Thus the application of sound American financial principles and American operating efficiency to this property saved over \$120,000,000 to the travelers and shippers on the New York Central in 1910, compared with what they would have had to pay under the transportation conditions of 1870.

And this marvel has been accomplished in the face of advancing cost in everything entering into production of transportation.

In 1870 the New York Central paid \$168,975 taxes on its earnings; in 1910 its tax bill was \$4,526,555, or more than two-thirds as much as its entire passenger revenues in 1870. This tax alone is a convincing certificate that the property of the New York Central is approximately worth \$450,000,000. Its system subsidiaries, the Lake Shore and the Michigan Central (not included in the preceding statements) together in 1910 paid \$2,738,436 taxes. Thus the three corporations represent a taxable valuation of over \$725,000,000, on the theory that property is taxed one per cent. on its full value as is the case in New York State.

I have gone into these details of the New York Central because they are typical of the financial process and progress that has given to the United States the lowest railway capitalization and freight-rates in the world. This story could be duplicated with a dozen others of the leading systems. Even where the results have not been so fortunate, the American system of turning back a substantial percentage of income into the property has been of inestimable national advantage in maintaining transportation abreast of traffic demands without increasing capital charges. In disapproving of this policy Professor Lauck allies himself with the British and Continental theorists against such recognized railway economists as W. M. Acworth and C. Colson, the highest British and French authorities.

The wisdom of this practice was also recognized by Professor Henry C. Adams, formerly Statistician to the Interstate Commerce Commission in his report for 1901, when, in discussing the extraordinary percentages devoted to maintenance of way and equipment that year, he said:

The important fact to be read from these comparisons is that the railways of this country are making use of these years of prosperity so to perfect their roadway and equipment as to enable them to decrease this class of expenditures should business of the country be again subjected to

general depression. This use of money creates for the railways an available reserve against hard times as truly as though it existed in the form of cash or in profitable investments.

Professor Lauck is singularly unfortunate when he turns his attention to the capital obligations of the railways as a whole. Here what is doubtless a printer's slip makes him say that "during the decade 1901-1910 the total capitalization of the railways of the United States was increased \$7,728,000,000 or 57.6." This is only a billion more than the official figures show. For the years in question these were:

	Gross Ry. Capital
1910	\$18,417,132,238
1901	11,688,147,091
Increase	\$6,728,985,147

As a matter of fact this covers only nine years, and not a decade. The percentage, however, is correct, although the whole intention is wrong and misleading. The actual capitalization of the railways outstanding in the hands of the public in 1910 upon which they were entitled to earn a reasonable return was only \$4,790,591,329 more than in 1900, as the following official figures show:

	Net Railway Capital
1910	\$14,338,575,940
1900	9,547,984,611
Increase in decade.....	\$4,790,591,329

In the meantime railway mileage had increased from 192,941 to 240,438, or 47,497 miles, and all tracks increased from 258,784 to 342,351, or 83,567 miles. The net result of this increase of capital is shown in an increase from \$36,904 per mile of track in 1900 to \$41,888 in 1910. The difference between these sums is represented in the millions expended on locomotives, which during the decade increased over one hundred per cent. in weight; in freight-cars which increased ninety per cent. in capacity; in more costly passenger and postal cars; in heavier rails, stronger bridges, better ballast, elevated tracks, abolition of grade crossings, installation of 60,000 miles of block signals, the electrification of terminals, and the replacing of outgrown stations with expensive modern structures throughout the republic. None of these things add to the physical mileage of the railways, but dur-

ing the decade in question they necessitated the expenditure of billions of capital either borrowed or appropriated out of surplus income.

That this expenditure was urgent and unavoidable is proved by the fact that during the same decade passenger traffic increased over one hundred per cent. and freight traffic over eighty per cent. By 1907 the facilities of the railways had been overtaken by the traffic, and only the recession in business since has enabled them to meet the pressing transportation requirements of the American people.

But Professor Lauck is not satisfied with overstating the capitalization of the railways; he reiterates the exploded misstatement about excessive dividends. These, he says, were \$159,000,000 greater in 1910 than in 1900, and that the dividends paid during the past fiscal year exceeded \$400,000,000. The reports of the Interstate Commerce Commission show that the net dividends paid in 1910 were only \$293,836,863 against \$118,624,409 paid in 1900, an increase of \$175,212,454. But the same authority shows that \$86,465,005 of this increase was "declared out of surplus." This reduced the net dividends from current income, plus \$78,442,027 "clear income from investments," to \$207,371,858. As for the statement that over \$400,000,000 was paid in dividends during the past fiscal year, this rests on the official preliminary abstract of statistics for the year to June, 1912, in which it is stated that "the amount of dividends declared during the year (by both operating and non-operating companies) was \$400,432,752." In the condensed income account accompanying this abstract, which presumably Professor Lauck did not study, it appears that this lump sum was made up as follows:

OPERATING COMPANIES			
Dividends declared from	current income.....		\$246,372,011
"	"	surplus	100,433,571
NON-OPERATING COMPANIES			
Dividends declared from	current income.....		37,556,473
"	"	surplus	15,486,374
Total			\$399,848,429

Dividends of non-operating roads are paid out of rentals received from operating roads.

The slight variance between the text and the table is probably due to rectification in one and not the other in

preparation for the press. But in neither is there any intimation of the deduction for the "dividends receivable by railways from railway stock owned or controlled," as was done in 1910 when it amounted to \$111,828,500. As this other income amounted to \$262,107,369 in 1912 against \$252,-219,946, the deduction on this account undoubtedly should be larger last year than for 1910. So from this source (say \$112,000,000) and from surplus as above, we have a total of \$227,919,945 that did not come out of operating income at all to be deducted from the duplicated dividend figures of Professor Lauck's analysis. It is passing strange that statements that melt in the face of elementary school arithmetic continue to be paraded in official abstracts before the wondering eyes of the American people.

Nor is Professor Lauck much happier when he takes up the relation of railway wages to railway revenues. He says that during the decade 1901-1911 "the proportion of operating revenues paid to labor actually engaged in conducting transportation—enginemen, trainmen, switchmen, and stationmen—has generally *tended to decrease*." Let us see what are the facts. The reports of the Interstate Commerce Commission afford these comparisons:

COMPENSATION PAID LABOR ACTUALLY ENGAGED IN CONDUCTING TRANSPORTATION 1901 AND 1911

	Pay in 1901 (Thousands)	Pay in 1911 (Thousands)
Station Agents.....	\$19,239	\$27,203
Other Station men.....	47,496	88,926
Enginemen	53,353	91,323
Firemen	30,941	55,626
Conductors	32,352	59,716
Other trainmen	51,646	109,664
Telegraph operators and dispatchers.....	17,152	32,348
	<hr/>	<hr/>
	\$252,179	\$464,806
Proportion of operating revenues.....	15.88	16.66

Had the employees of switching and terminal companies been included in 1911, as in 1901, the proportion of the pay of these seven classes to revenues would have been over seventeen per cent. In 1912, when the increase of pay made in 1910 was in full effect, the compensation of these seven classes rose to \$516,892,000, or 18.42 per cent. of the gross revenues—an increase of sixteen per cent. over the proportion in 1901. None of these comparisons include the recent

advances in the scale of employees directly engaged in conducting transportation.

In another paragraph Professor Lauck finds, as he says, that though revenue train mile costs have increased, this is more than offset by heavier trains and other economies, and in support of this he cites that whereas the operated-train cost in 1901 was \$1.12 compared to \$1.72 of operating revenue, in 1912 the figures were \$1.59 and \$2.30 respectively. From this he concludes that the gain in gross was sufficient to produce "an increase in net revenue of ten cents per revenue train mile." But between 1901 and 1912 taxes increased from 5.5 cents to 9.8 cents per train mile, reducing the apparent increase of 10 cents to 5.7 cents. Back of the increased performance per train mile is the increase of \$5,526,058,388 in net investment between 1901 and 1911 (official figures for 1912 not yet available). Computed on a five-per-cent. interest basis, this would figure out a deficit for 1912. Therefore, in the following statement the return on capital for both years is computed on a four-per-cent. basis:

	RAILWAY REVENUE AND EXPENSE PER REVENUE TRAIN MILE			
	1900		1912	
Operating revenues		\$1.72.9		\$2.30.2
Operating expenses.....	\$1.12.2		\$1.59.5	
Taxes	05.5		09.8	
Interest on net capital @ 4%.....	41.2	1.59.0	.49.2	2.18.5
<hr/>				
Net revenue13.9		.11.7
Net revenue per train mile 1912 less than 1900				.2.2

Now 2.2 cents per revenue train mile represents over \$27,000,000. It is common knowledge that money for railway investment commands over one-half per cent. more now than it did in 1900, and is being borrowed at five and six per cent. Even at half of one per cent. this would raise the per train mile cost by 6.1 cents, or over \$73,000,000. Deducted from the 11.7 cents margin, it would leave only 5.6 cents, or \$68,768,000 margin for additions and betterments, other reserves and surplus. If Professor Lauck thinks that this is a sufficient or safe working balance on a business of over \$3,000,000,000 annually, he will find few practical financiers to agree with him.

It is impossible to follow Professor Lauck in his discussion of what the railways have lost in underwriting commissions, or "might have saved" had they "sold their bonds

in the open market." With most of the companies it has been a case of "woodchuck or no meat." It is a sounder proposition to pay \$40,000,000 for floating \$810,000,000 four-and-one-half per cent. twenty-year bonds at ninety-seven per cent. than to sell the same quantity of five-per-cent. twenty-year bonds in the open at par, or even 102. In the markets of the world borrowers seldom make their own terms, and it has been more than half a decade since the railways have been able to place loans to advantage. The hundreds of millions of short-term notes outstanding is significant of their sore plight in this respect. On January 14th, Cook County, one of the wealthiest municipalities in the world, was greatly elated to place in open competition \$1,000,000 four-per-cent. bonds at \$985,110.

To one sentence in Professor Lauck's article I am sure no reasonable man will take exception. "Due profits and liberal returns," says he, "should be assured to the elements of risk and foresight in the development of transportation facilities." If they are not, the industry upon which all other industries depend will languish and decay, and the broken reed upon which all industries and commerce lean so heavily will pierce the hand of misinformed confidence.

SLASON THOMPSON.

THE TREATY-MAKING POWER UNDER THE CONSTITUTION OF THE UNITED STATES

BY HENRY ST. GEORGE TUCKER

THE recent action of the State of California in passing an act prohibiting aliens ineligible to citizenship in the United States from holding land in that State has produced wide discussion, and brings us face to face with the question whether a treaty between the United States and any foreign country which guarantees to the inhabitants of such country the right to hold land within the bounds of the United States is a constitutional treaty and valid, as against the law of a State of the Union prohibiting such holding by such foreigners. No question of more far-reaching effect than this has arisen in our political history within the past few years.

The advocates of the affirmative of this proposition for the most part rest their conclusion upon the fact that the Constitution of the United States in words declares that the treaty is the supreme law of the land; and it is also urged, the treaty being an exercise of national power upon subjects which can be treated of by the Federal Government alone, affecting all the citizens of each country bound by the treaty, that to permit the people of one State, which may be the smallest State in the Union, by its independent and antagonistic action, to defeat a treaty whose beneficent effects are intended to reach all the people of the United States should not be allowed from the standpoint of justice to the great body of the people of America. The argument *ab in-convenienti* is persuasive and often effective, but cannot be admitted in the consideration of constitutional rights. If such power exists in the State of California, and is an evil, it should be changed; but let us not be misled into under-

taking by indirection what should be met frankly and by constitutional means. We can well afford to follow Washington and Lincoln on this subject. The former said:

If, in the opinion of the people, the distribution of the constitutional powers be in any particular wrong, let it be corrected in the way which the Constitution designates. But let there be no change by usurpation, for this, though it may in one instance be the instrument of good, is the ordinary weapon by which free governments are destroyed.

Mr. Lincoln used this language:

It is my duty and my oath to maintain inviolate the right of the States to order and control under the Constitution their own affairs by their own judgment exclusively. Such maintenance is essential for the preservation of that balance of power on which our institutions rest.

Article Six, Section Two, of the Constitution of the United States is as follows:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

It will be noticed in this section that not only are treaties made "under the authority of the United States," the supreme law of the land, but the same section also declares, "This Constitution, and the laws of the United States which shall be made in pursuance thereof," are also the supreme law of the land; that is, the Constitution, which embraces among many powers the treaty-making power, is the supreme law of the land. It is doubtful, under proper construction, whether, in order to give supremacy to the treaty-making power, it was necessary to mention it at all after proclaiming that the Constitution, which included the treaty-making power, was supreme. For does not the greater include the less? In this clause it is also noted that "this Constitution" is placed first; "the laws of the United States which shall be made in pursuance thereof," second, "and all treaties made, etc.," is placed after the other two. This clause does not single out the treaty-making power alone as supreme, but it designates two others as supreme and carefully enumerates them with the treaty-making power, and if the location of each in the sentence is to be reckoned accord-

ing to its importance, the first two, that is, "this Constitution, and the laws made in pursuance thereof," would be prior in dignity to treaties. If the Constitution, which includes the treaty-making power as well as many others, be the supreme law of the land, as cannot be denied under this clause, is a treaty which violates the Constitution supreme? Is there anything in the clause which justifies holding a treaty supreme though clearly invading forbidden ground and denying the same to a law of Congress clearly unconstitutional? Can the Constitution be supreme when it embraces in its folds an adder whose fangs may sting it to death? Can supremacy be predicated of any instrument that contains the badges of its own subordination? Can the Constitution be supreme in every article, in every section, in its whole scope and breadth, in its varied functions, and in its enumerated powers, if one power may destroy another, or one power destroy the whole? It is clear from this section that the law of the United States to be the supreme law of the land must be made in pursuance of the Constitution; whereas no such limitation is put upon "all treaties made, or which shall be made," but there is substituted for the words "which shall be made in pursuance thereof" the words "under the authority of the United States." Are not the two phrases equivalent? If not, then a law of Congress will be unconstitutional and void because against the Constitution, and a treaty constitutional and supreme though it violates the Constitution. "Under the authority of the United States" means under the authority of the Government of the United States. The words "United States" as here used mean the Government of the United States established by the Constitution and not "the political society which lies back of that organic law and which was its author." If this be true, we must examine the Constitution in its whole scope when examining a treaty to see whether such treaty is in accordance with the Constitution; for as Judge Cooley says:

The Constitution itself never yields to *Treaty or Enactment*: it neither changes with time, nor does it in theory bend to the force of circumstances.¹

There are powers which the Federal and State governments may each employ, known as "concurrent" powers; and when in the use of such powers the Federal Government

¹ *Constitutional Law*, page 33.

acts by legislation, though the State has likewise acted, the Federal power must prevail, for constitutional laws of Congress are the supreme law of the land, and the State law must yield; but not so if the law of Congress embraces a subject which is reserved to the States or forbidden to the Federal Government, for then the law of Congress is not in pursuance of the Constitution that declares,

the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. (Tenth Amendment.)

If the treaty-making power be indeed supreme over all State laws, then a treaty containing provisions for the benefit of foreigners may create greater rights for such foreigners within a State than the citizens of the several States may have in that State. State laws prescribing conditions of suffrage, or of holding office, may be swept aside by a treaty giving such right to an alien, and permitting him to vote or hold office in any State when the citizen of a sister State would be debarred from voting or holding office in such State, though he may claim the protecting power of his own constitution in that clause which may properly be termed the clause of "American hospitality"; to wit:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.¹

The negro citizen of New York cannot, under this clause just quoted, force himself into the schools of Texas, or claim to be exempt from the law of Texas requiring him to ride in separate railroad coaches from those assigned to the whites; but if the claim of power here asserted be correct, the negro from Hayti or the Congo may under a treaty be free to enter the schools of Texas, and ride in any coach on a railroad that may suit his tastes, notwithstanding the law of Texas to the contrary. The laws of marriage and divorce, which are derived from the States alone and which are the bulwarks of our social fabric, may in like manner be abrogated in favor of aliens under the provisions of a treaty. Is a citizen of America thus to be despoiled of rights that "Aliens to the commonwealth of our Israel" may boastfully disport themselves in? Is American citizenship to be a

¹ Article Four, Section Two, Constitution United States.

badge of inferiority, and the alien to be preferred in honor to the native-born American? If so, we may indeed repent in sackcloth and ashes that we have sold our birthright for a mess of pottage.

It will not do to say that the treaty-making power would never be used in a way to subordinate the rights of American citizens to those of aliens. The argument is complete if it is shown that such a power exists; and in the above case Texas is able to protect itself against the New York negro, but would be utterly helpless as against the foreign negro protected by the provisions of a treaty.

An examination of the sources of these powers, Federal and State, may serve to a clearer vision of the subject. By the Hamiltonian school of statesmen it is claimed that the Constitution was the product of one body politic,—the whole mass of the people of the United States, giving the Federal Government the large powers contained therein and denying certain powers to the States, as well as certain others to the Federal Government; and that this body politic, the United States, antedated the States, and in effect created them, etc., etc. The Jeffersonian school holds that the States, prior to the adoption of the Constitution, existed as independent sovereigns; that they created the Constitution by proposing it to the people of the several States, who ratified it, and that from the reservoir of their original powers they granted certain ones to the Federal Government, denied others to the States, reserving all others “to the States respectively, or to the people.” While historically we hold the latter view, the adoption of either will serve our purpose in showing that the reserved rights under the Tenth Amendment, secured in either of the above-mentioned methods can no more be taken from the States than can any power granted to the Federal Government be taken from it. Under the Hamiltonian school each power, Federal and State, has a common origin and a common grantor; each is a part of the same Constitution, each is supreme in its sphere because the Constitution, which embraces both, is confessedly supreme. There is one reservoir from which flowed all powers, the people of the United States as one body politic. This same body politic delegated the enumerated powers as given in the Constitution to the various departments of the Federal Government, and then declared that all powers not delegated were reserved “to the States respectively or to the people”;

and when the Constitution was pronounced the supreme law of the land this supremacy was infused into every part of it, into every section and every paragraph of it. The supremacy of the judicial power, of the legislative power, and of the executive power in the Federal Government in their respective spheres, was complete and unchallenged; while the powers not delegated, but which were reserved "to the States respectively, or to the people," were left undisturbed by the Constitution as not needed by the Federal Government; and because the supremacy of the Constitution declared in Article Six pervades every part of it, and the Tenth Amendment is as much a part of it as Article Six, or any other section of that instrument, the reserved powers contained therein are, in their sphere, equally supreme, and subordinate to no other power in the Constitution.

By the Jeffersonian school it is held that the Constitution was proposed by the thirteen original States as independent bodies politic. Each gave up certain of its original sovereign powers to the Federal Government and for the good of all denied to the States the use of certain other powers. They gave freely of national powers, denied themselves without stint, and left in the possession of each State all other powers. They gave part and retained part. They gave up national powers and retained local powers. So that without the declared supremacy of the Constitution in Article Six these reserved powers referred to in the Tenth Amendment were supreme in their sphere. With Article Six they are doubly so.

Judge Cooley, in his work on *Constitutional Law*, page 30, strongly confirms our view:

To ascertain whether any power assumed by the Government of the United States is rightfully assumed, the Constitution is to be examined in order to see whether expressly or by fair implication the power has been granted, and if the grant does not appear, the assumption must be held unwarranted. To ascertain whether a State rightfully exercises a power, we have only to see whether by the Constitution of the United States it is conceded to the Union, or by the Constitution of the United States, or that of the State, prohibited to be exercised at all. The presumption must be that the State rightfully does what it assumes to do until it is made to appear how, by constitutional concession, it has divested itself of the power, or by its own Constitution has, for the time, rendered the exercise unwarrantable.

To which of the governments, Federal or State, we ask, does the tenure of real estate belong? I make bold to declare

that no reputable authority can be found denying the right of the States to control the tenure of real estate within their bounds; and without burdening this paper with authorities, I shall content myself with quoting the language of Justice Field, who delivered the opinion of the court in the case of *The United States vs. Fox*, 94 U.S. 320, as settling this question:

The power of the State to regulate the tenure of real property within her limits, and the modes of its acquisition and transfer, and the rules of its descent, and the extent to which testamentary disposition of it may be exercised by its owners, is undoubted. It is an established principle of law, everywhere recognized, arising from the necessity of the case, that the disposition of immovable property, whether by deed, descent, or any other mode, is exclusively subject to the government within whose jurisdiction the property is situated.

And in *McCormick vs. Sullivan*, 10 Wheat, 202:

The power of the State in this respect follows from her sovereignty within her limits, as to all matters over which jurisdiction has not been expressly or by necessary implication transferred to the Federal Government. The title and modes of disposition of real property within the State, whether inter vivos or testamentary, are not matters placed under the control of federal authority. Such control would be foreign to the purpose for which the Federal Government was created, and would seriously embarrass the landed interest of the States.

Judge Story, a strong advocate of the supremacy of the treaty-making power, in Section 1508 of his work, uses this language, speaking of the treaty-making power:

But though the power is thus general and unrestricted, it is not to be so construed as to destroy *the fundamental laws of the State*. A power given by the Constitution cannot be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination to it; and cannot supersede or interfere with any other of its fundamental provisions. Each is equally obligatory, and of paramount authority within its scope; and no one embraces a right to annihilate any other. A treaty to change the organization of the government, or annihilate its sovereignty, to overturn its republican form, or to deprive it of its constitutional powers, would be void; because it would destroy what it was designed merely to fulfil, the will of the people (Referring in a note to Tucker, Rawle, Elliott's Debates, and Jefferson).

If, as Judge Story says, no power in this Constitution is authorized to destroy another power, what results when a treaty, exercising a supreme power, attempts to destroy a

right which the Supreme Court, through Judge Field, has declared is a right which under the Constitution belongs exclusively to the States, and which is therefore included among those rights reserved in the tenth amendment? If my premises be correct, the conclusion is inevitable that such treaty is invalid.

While the treaty-making power seems unlimited, all of the authorities admit there are limitations to its supremacy. Pomeroy, in his work on *Constitutional Law*, one of the strongest presentations that I have seen for the supremacy of the treaty-making power (page 567), says:

But I think it is equally certain that a treaty would be a mere nullity which should attempt to deprive Congress, or the Judiciary, or the President, of any general powers which are granted to them by the Constitution. The President cannot, by a treaty, change the form of government, or abridge the general functions created by the organic law.

Judge Cooley, in his *Principles of Constitutional Law*, page 117, says:

The Constitution imposes no restriction upon this power, but it is subject to the implied restriction that nothing can be done under it which changes the Constitution of the country, or robs a Department of the Government or any of the States of its constitutional authority.

Judge Story, in the passage already quoted from his work, Section 1508, says:

But though the power is thus general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the State.

We could rest the case on Judge Story's statement, and why not? If, as Mr. Pomeroy says, this power cannot be used to deprive Congress, or the Judiciary, or the President, of their powers, how can it be claimed that it can deprive the States of their powers? State powers are either secured by the Constitution or they are not. If secured, in their sphere they are supreme under the Tenth Amendment; if not secured therein, they remain the original powers of sovereign States. Are State powers less protected under the Constitution than those granted to Congress, the Judiciary, and the President? In the view of the Hamiltonian school of construction, *supra*, does not the Constitution, which is supreme in its whole scope, include the reserved powers of the States as contained in the Tenth Amendment, as well as the grants to

Congress, the Judiciary, and the President? And in the view of the Jeffersonian school of construction, *supra*, these State powers being reserved by the States and never given up, are, therefore, not brought under the cover of the Constitution, but are left in their original pristine vigor and so declared by the Constitution in the Tenth Amendment.

Supremacy admits of no limitations, exceptions, or conditions, and yet Story, Cooley, Pomeroy, and others admit that the treaty-making power is not supreme in its power to destroy the powers of Congress, the Judiciary, or the President; surely such admissions must be fatal to the general claim of supremacy. Some authorities claim that this power is supreme, but that it cannot, in the exercise of this supremacy, change the form of government or change the organization of the government, while Story, Cooley, Tucker, and others say it cannot destroy "the fundamental laws of the States." Now what is our form of government? Clearly, one which recognizes the Federal Government as the agent for all the States, for their common good, in war, in peace, in commerce, and taxation. Wherever our relations touch foreign nations, there the hand of the Federal Government must regulate; for there the people of each State are equally interested with the people of every other State; but this Federal power cannot intrude into those things which affect the people in their separate State life, their county life, their district life, their neighborhood life, their home life; for these interests have been properly relegated by all authorities to the control of their States, their counties, and their districts.

The people of Maine can better determine for themselves what is best for them in their every-day life than can the people of California determine this for them. This Saxon principle we brought with us from the forests of Germany to England—and the mother country has been enriched by the blood of our fathers spilled in its defense. Climatic and racial considerations, as well as religious and social, make it clear that the people of each State should, on every account, be permitted to control their local policies, without the interference of others. This nice adjustment of powers and duties under our Constitution has been the glory as well as the strength of America.

In matters in which all are equally interested, the Federal Government acts for all. In matters in which localities only

are interested, no other power is permitted to interfere. In national affairs we are a unit; in local matters we represent forty-eight distinct and independent units, with laws, institutions, social customs, religious affinities and aspirations, as distinct as the billows. The strength of our government has been from the beginning in the recognition of these two principles—not antagonistic, but mutually helpful; and while there have been, undoubtedly, in our history difficulties in adjusting the exact line dividing these powers, yet, it must be admitted that the Supreme Court has maintained the equilibrium without a jar to the great fabric, and has faithfully repelled the aggressions by each upon the other with steady and even-handed justice.

Chief Justice Chase in *Texas vs. White*, 7 Wall. 725, has well stated the mutual relations of the Federal Government to the States, and the States to the Federal Government:

Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

How, may it be asked, can the preservation of the States be maintained, if rights admittedly accorded to them can be taken from them by the Federal Government?

In the Virginia Convention of 1788, when the opponents of the Constitution led by Patrick Henry claimed that the treaty-making power was unlimited and, therefore, unwise, Mr. Nicholas replied:

The worthy member says that they can make a treaty relinquishing any rights and inflicting punishments because all the treaties are declared paramount to the Constitutions and laws of the States. An attentive consideration of this will show the Committee that they can do no such thing. The provision of the Sixth Article is that this Constitution and the laws of the United States shall be the supreme law of the land. They can by this make no treaty *which shall be repugnant to the spirit of the Constitution, or inconsistent with the delegated powers. The treaties they make must be made under the authority of the United States to be within their province.* It is sufficiently secured because it only declares that in pursuance of the power given they shall be the supreme law of the land notwithstanding anything in the Constitution or laws of the particular States.¹

¹ 3 Elliott's Debates, 507.

The validity of a treaty carrying an appropriation has frequently been the subject of acute discussion in Congress. Since Congress alone can appropriate money, the House has insisted that a treaty providing for an appropriation of money must be submitted to the House. This question arose first under the Jay Treaty, negotiated by President Washington, in 1795, and by a vote of sixty-three to thirty-six the House asserted its prerogative.

Mr. Madison, then a member of the House of Representatives, and as the Father of the Constitution, possessing the best right of any man of his day to speak to this subject, said:

He would appeal to the Committee to decide, whether it did not appear, from a candid and collective view of the debates in those conventions, and particularly in that of Virginia, that the treaty-making power was a limited power; and that the powers in our Constitution, on this subject, bore an analogy to the powers on the same subject in the Government of Great Britain. . . . On a review of these proceedings, may not the question be fairly asked, whether it ought to be supposed that the several conventions—who showed so much jealousy with regard to the powers of commerce, of the purse, and of the sword, as to require for the exercise of them, in some cases two-thirds, in others three-fourths, of both branches of the legislature—could have understood that, by the treaty clauses in the Constitution, they had given to the President and Senate, without any control whatever from the House of Representatives, an absolute and unlimited power on all these great objects.¹

In 1814 the Treaty of Ghent, carrying provisions as to duties on articles imported from Great Britain, was transmitted by Mr. Madison as President to Congress, *recommending to them to pass* the needed legislation. President Grant followed the same precedent during his term, and in July, 1867, by vote of one hundred and thirteen to forty-three, the House asserted its prerogative again. A similar question arose in the Ashburton Treaty for the settlement of the northeastern boundaries between Maine and the British possessions, and Mr. Webster deemed it prudent to gain the consent of Maine and Massachusetts to the settlement. These instances—and there have been many others which could be cited—are sufficient to show that the treaty-making power is not supreme in the sense claimed by many of its advocates, but that, like all other powers enumerated in the Constitution, it must not be used for the destruction of others, but in mutual co-operation with all other powers

¹ *The Life and Times of James Madison*. Rives, pp. 558-9.

equally supreme in their spheres, each must be used for the development of the Constitution in its true spirit and intent; it must work out its own destiny in accordance with the maxim *sic utere tuo ut non alienum laedas*.

If the claim of the advocate of the supremacy of the treaty-making power over the laws of the States declaring their domestic policies can be maintained, and the "fundamental laws of the States," as described by Judge Story, can be uprooted at the pleasure of the President and Senate, then is our form of government changed; for it has always been contemplated that these rights remain with the States and are necessary to their complete autonomy and development. If the power asserted be admitted, there is not a domestic right now claimed by the people in their local communities, sanctioned it may be by the usage of a hundred years, that may not be surrendered to this imperial power. What then becomes of Judge Story's statement in Section 1508 of his work, "A treaty to change the organization of the government . . . would be void?" To override Judge Story's position would be to allow the alien to enter any community or State of the United States protected under a treaty without the obligations of citizenship and without the restraint which these obligations bring, and enjoy in some cases even greater rights than the American citizen; he might become a voter without being required to comply with the laws of the State, which alone gives the right to vote; he might become an office-holder, denied to a citizen of the State, without fulfilling the requirements of the local law; he might violate the laws of marriage with impunity, and feel himself free from the restraints of the laws controlling divorce; he might be permitted to murder, and yet defy the processes of the courts of the States to bring him to justice.

It is sincerely to be hoped that the agitation of this question will bring about a more general study of its far-reaching effects, and will increase the carefulness of those whose duty it is to negotiate treaties with foreign countries, in seeing that no rights are attempted to be accorded to aliens that would destroy the delicate equilibrium of our governmental system, or might abrogate or annul the local laws declaring the local policies of the people, or that would attempt to place the alien in any position superior to that of the humblest American citizen.

I can close this paper in no better way than to quote the

solemn and impressive language of Justice David Davis, in his opinion, in *ex parte Milligan* 4 Wall. 120—delivered at a most critical period in our country's history, and which must ever remain a lasting monument to his lofty patriotism. Speaking of the effects of the Civil War on the Constitution, he said:

No doctrine involving more pernicious consequences was ever invented by the wit of men than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government within the Constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.¹

¹The limits of this paper do not permit the discussion and analysis of the cases decided by the Supreme Court of the United States from *Ware vs. Hylton*, 3 Dallas 199, to *Geofroy vs. Riggs*, 133 U. S. 258 which are claimed to be opposed to the views expressed above. It is confidently asserted that no case has been decided by the Supreme Court involving the direct question herein discussed. All of the cases have decided questions collateral to the real issue involved in this paper.

HENRY ST. GEORGE TUCKER.

GOVERNMENT RAILROADS IN ALASKA

BY CARRINGTON WEEMS

UNPRECEDENTED opportunity will soon be given to observe the effects of a most abrupt transition from complete administrative neglect to a paternalistic policy in Federal undertakings hitherto untried in America. For thirty years all but utterly neglected, Alaska may now be expected to divert national attention even from the completed Panama Canal. Congress has authorized the President to build and operate Government railroads in Alaska. That great Northern Territory, slighted overlong, is about to become a convenient experimental ground for advanced governmental policies.

In addition to the provisions of the law itself, the discussion which it provoked during the long fight in both Houses is sufficient indication of what may be tried out on long-suffering Alaska. In the Senate an amendment was aggressively urged by Senator Norris of Kansas, calling for the purchase of some twenty steamships and the operation of a Government line in the Alaskan service. The Progressive Senator Poindexter of Washington argued the desirability of making of the Territory a huge civil-service bureau, operating mines, railroads, and steamship lines; and Senator Martine of New Jersey was, if anything, even more radical. Many members of the lower House also took a socialistic view of the situation.

For the executive arm, Secretary of the Interior Lane presumably speaking with the approval of the President, had already outlined in his first annual report another original scheme awaiting application to Alaska. It is for a board of directors appointed by Congress to develop and at the same time to conserve the natural resources of the country. Although Alaska now has her own territorial government, Mr. Lane would superimpose a local Federal

commission with supreme economic power divorced utterly from all political power—a novel experiment indeed from an American point of view.

Another innovation in store for Alaska is a leasing plan for her coal lands. This—the least doubtful experiment of the lot, in that such a plan has long been in successful operation in this country and elsewhere—was inevitable from the time that the coal areas of Alaska were withdrawn from entry and constituted a Government reserve. A bill bearing the approval of the Administration and now before Congress provides for the relief of Alaska by the development of her coal resources. Whether this belated proposal which logically had precedence over all the other experiments on the Administration's Alaska programme is to become law remains to be seen. Had this bill been given the early attention it deserved, it is very doubtful whether there would have been any excuse whatsoever for the more radical legislation.

But a less defensible order of procedure was followed by Congress in electing to experiment first with Government railways in Alaska. The conduct of experiment one is now in the hands of the President, to whom has been given the broadest possible powers.

The law provides for the construction of not more than one thousand miles of road connecting tidewater of the Alaska Gulf with the Yukon River, at a cost not to exceed \$35,000,000. In its own phraseology he is to select those lines which will "best promote the settlement of Alaska, develop its resources, and provide adequate and suitable transportation for coal for the army, navy, and other Government services, of troops, arms, and munitions of war; of the mails, and for other Government and public uses, together with such branch lines, feeders, sidings, switches, and spurs as he may deem necessary."

The President is also empowered to locate and build docks and wharves and terminal facilities and to equip and operate the road. In the matter of operation a proviso in the bill permits him to grant for not more than twenty years a contract lease, or to employ the Government-owned Panama Railroad Company—potentially a very useful instrument in governmental railway experiments.

These, then, are the outstanding features of a law which because of the great size of the expenditure involved—the more to be avoided in a year when the national deficit is

estimated at \$25,000,000—and the novel policy embodied, is one of the most important pieces of legislative work this present Congress has performed. By many of its proponents it has been hailed as the establishment of a policy of Government ownership in a public utility, and many of those who did not actively oppose it expressed the hope and conviction that by meeting with disaster and reproach in Alaska it would save the rest of this country from any further application of that very policy.

Why so extreme a measure as the Alaska Railroad Bill became law during this session is worth considering. Authorization for the expenditure of \$35,000,000 for the construction and operation of a government railroad in Alaska may be a true enough indication of how far the present Democratic Congress is tinctured with paternalistic ideas. But that fact by no means carries a sufficient explanation of the adoption by Congress of an expensive and untried scheme which to an unprejudiced mind having knowledge of Alaska must appear absolutely uncalled for.

The principal influences discernible were three. The rapidly growing national conviction that Alaska's appeals for relief had been too long disregarded was the occasion. An ungrounded fear of the monopolization of the Territory and its transportation facilities—ably aggravated by the promoters of the bill—was its excuse. The explanation offered was the increased need in the Pacific for naval coal, due to the completion of the Panama Canal.

Powerful political factors were also at work for the bill, notwithstanding the effort to make it appear a non-partisan measure. Aggressively pushed by the Western Senators and Congressmen to whose States the expenditure of so vast a sum in Alaska appealed for obvious reasons, the interests of the others—most of whom frankly admitted their utter ignorance of all Alaska's problems—were not deep-seated enough to develop a vigorous opposition. This was particularly true because the bill was a near enough approximation of the President's avowed policy to identify it completely with the Administration. The Baltimore platform was also invoked in its favor.

The business organizations of the Pacific Coast were influential. They had not been slow to see glittering possibilities. Seattle was, of course, a leading Western sponsor.

When the bill came to a vote in the Senate the disinte-

grated character of the opposition constituted its greatest weakness. Senator Nelson of Minnesota, Senator Dillingham of Vermont, and Senator Lippitt of Rhode Island were among the few in the chamber who knew Alaskan conditions well enough to attack the measure on the ground of its impracticability. Senators Smith and Bacon of Georgia opposed the extravagance of the expenditure, while Senator Williams of Mississippi, who really led the fight against it, placed the emphasis of his protest upon what he considered the political unwisdom of Government ownership of railroads. In the House the opposition developed along the same lines, but the strength of the Administration secured the bill's passage by a preponderant vote.

However strong may be the arguments against government ownership, they proved arguments to which the present Congress was disposed to turn a deaf ear. As political and economic objections they are general and lie outside the limitations of this article. The Alaska Railroad Law itself is open to enough serious defects fully apparent to those who have an acquaintance with that Territory and its people.

First, however, for a brief review, Alaska's setbacks—apart from the very real ones attributable to nature—began in November, 1906, when by executive order President Roosevelt closed to entry the vast areas of Government land underlain with coal. From that day to this the ban has not been lifted, so great was the hue and cry against monopoly; nor has the Land Office dared to grant coal-land patents to the applicants whose claims were previously filed and whose first payments, amounting to several hundred thousand dollars, are still retained by the Government.

Alaska at a critical stage in her development was unlucky enough to be the field for that unavoidable conflict between the new and the old ideas of opening up public land. The natural protest against the slipshod methods of pioneer days was voiced in the cry for conservation.

After the conservation controversy was over—with misrepresentation aplenty on both sides—hysterical counsels had prevailed. To Alaska was left the rancor and prejudice which have yet to disappear. From the day of the Pinchot-Ballinger dispute railroad enterprises have languished for want of fuel and tonnage. Coal has been imported at an almost prohibitive cost. Industrial develop-

ment has halted. Population has increased practically not at all. Still suffering from acute conservation, Alaska is to-day where she was then. The Guggenheim monopoly bogie has lost little of its potency. From year to year relief has been denied largely through belief in a myth which has rested on the land like a curse. All that has been necessary to block any legislation looking to the solution of the coal and land problem in Alaska has been to raise the cry that the Guggenheims were to profit thereby. Now ironically enough the measure which has finally become law is one very certain to redound to their advantage in taking off their hands by governmental purchase an expensive railroad property, admittedly a white elephant.

Neither careful investigation nor long-standing acquaintance with the facts in the case has ever furnished adequate reason for the hue and cry against monopoly that was raised, not in Alaska, but by avowed friends outside.

In any event, the courts disposed of the question. The Cunningham claims, less than one-eighth, and that not the pick of the Bering River coal-fields, were plainly illegal under the existing law forbidding association of claims—a law, by the way, which could not be lived up to in the actual practice of coal-mining, so small was the apportionment of land to each claim. With them disappeared even the remote possibility of Guggenheim interests gaining control of an Alaskan coal-field.

Since then the plain duty has faced Congress of devising a method by which Alaska coal could be utilized without risking its monopolization by individuals. That was seven years ago, and Congress has done nothing.

The Guggenheim monopoly of transportation is another myth of long standing. An ingenious slogan devised by James Wickersham, the delegate from Alaska, was used to good advantage by the leaders in the fight in Congress. "Guggenheim or Government" was the alliterative alternative it offered, and members ignorant of the facts and genuinely desirous of helping along the Territory's development made the best, as they supposed, of a poor choice.

The forced appearance of a monopoly ought perhaps to be explained.

So impenetrable is the mountainous coast line of Alaska that only two routes are available for an all-American railroad to the interior. Only the valleys of the Copper River

and the Sushitna River meet every practical demand. The first has been utilized by the Alaska Syndicate in the construction of the Copper River and Northwestern Railway from Cordova to Chitina, with a branch to its Bonanza Copper Mine at Kennicott—about 200 miles in all. The other route, of which Seward on Resurrection Bay is the tidewater terminus, was the scene of a railroad undertaking that after several financial disasters collapsed entirely in 1908. This road, seventy-one miles of which were built, was backed by Chicago capitalists whose aim was to reach the Matanuska coal-fields, one hundred and eighty miles inland, by a route admitting of extension into the Tanana and Yukon River valleys. The Alaska Northern—as the road was finally called—had no connection whatsoever with the Morgan-Guggenheim project; it was in fact a rival enterprise.

Now comes that which gives false color to the claims of the shouting anti-monopolists. When the Alaska Northern succumbed to its financial troubles, due largely to the closing to entry of the coal-fields, the bulk of its bonds were in the hands of the Sovereign Bank of Canada, in which the Morgan house happened to own stock, retained in the liquidating company, formed when the bank failed. The Morgan firm is without representation on its board and has no hand in its management. This remote connection is the only ground for the ill-founded belief that the Alaska syndicate controls both routes to interior Alaska.

That the syndicate could control the transportation to and from the Bering River coal-fields was a claim made by the most reckless of the agitators. It hardly merits attention. A feasible branch-line route into that field has been surveyed from the Copper River and Northwestern; but, far from bolstering up a monopoly, that line would be lucky to get a portion of the coal-hauling business, so much more cheaply could it be handled by the Controller Railway and Navigation Company, across the Bering River Delta to Controller Bay. That this bay offers adequate harbor facilities was not known when the Guggenheim interests made Cordova their port of entry. As for any identity of interest between this company and the Guggenheim syndicate, not a shred of evidence supports the claim. Against it is the full weight of opinion of those who know the local history of the two enterprises and the sworn testimony of officials of the two companies.

A similar claim has been made in regard to ocean and river steamship lines; it is similarly disproved. The single company known to have connections with the Alaska syndicate is the Alaska Steamship Company, in which the syndicate owns forty-one per cent. of capital stock. There are several independent companies doing a good business and their interests are protected by the Interstate Commerce Commission and the courts. On this showing the Guggenheims are said to have Alaska by the throat!

If they have a monopoly of any kind in Alaska, it is yet to be discovered. The one commodity that claims their particular interest is copper. But even so, several independent copper properties are being advantageously worked.

As Senator Lippitt of Rhode Island, a member of the Committee on Territories which considered the bill, said to the Senate:

I have studied the testimony as carefully as I know how, and I think that no more unfounded, frivolous charge of monopoly was ever put forward, and that it is nothing more than an attempt to stampede the judgment of the country in favor of this step toward Government ownership of railroads by influencing them to believe that no other power can open Alaska.

How then could Alaska have been opened? What should now be done to give the Territory the relief long sought, promised in the present Administration's Baltimore platform, and not assured even by a government railroad?

First of all, give the Territory the public land laws so many years denied. No other nation could have so grossly neglected a distant possession. What is necessary to remove the abnormal conditions which have existed in Alaska for seven years, is to adopt a system of public land classification and regulation under which the vast areas now closed to entry may become available to settlers. While it is not generally known, the blanket withdrawals of Government land in Alaska comprise practically all that is believed to contain coal, oil, forest products, and medicinal springs. In addition there are large reservations for railroad, military, and naval purposes; for Indians, agricultural experiment stations, and the like. And very many of these generously bounded reservations overlap. At any time a leasing system might have been adopted by the Government with limitations preventing monopoly and safeguarding the public interest. But the powers at Washington

did none of these things. Simple measures were pushed aside without trial for a radical piece of legislation which involves an initial expenditure—no one supposes that it is anything but that—equal to about four-fifths of what they expect annually from the Income Tax.

Walter L. Fisher, Secretary of the Interior under President Taft, who visited Alaska to study the situation, warmly espoused the leasing system for Alaska coal lands, and summarized his conclusions in a Department bulletin.

Besides throwing open Alaska coal deposits to a just exploitation, the proposed leasing plan would dispose automatically of the immediate railroad needs. Secretary Fisher, fresh from his first-hand study of the situation, testified before the Senate Committee that if an act were passed making provision for the disposition of the coal lands under a leasing system, private interests, in his opinion, would construct lines to carry out the coal from the Bering and the Matanuska coal-fields.

The Controller Railway and Navigation Company and the Alaska Northern testified that they were ready to begin construction as soon as the coal became available. With the tonnage derived from the coal and the stimulus given by a cheap fuel to the industries of the country, there is every reason to believe that the ordinary inducements for extending railroads into new territory would have brought them to the heart of Alaska in good season.

In the mean time the needs which may well be created by the Panama Canal and the naval problems which will develop therefrom, can be easily met. A naval coal-supply station on the Alaska coast, situated in a commanding position on the North Pacific, is possible without any such railroad-building programme as has been authorized. Private lines from the Bering field to a naval station on Controller Bay would have been one solution. Or, now that it has been thought desirable to have a Government road connecting a Government coal-mine with a Government coaling-station, such construction is simplicity itself. A road thirty miles long would cost less than a million dollars, and dock facilities for handling two million tons of coal annually would add only a half-million dollars more. This line would command the Alaska market by tapping an inexhaustible supply of coal with a straight, almost level line not much more than twenty-five miles long.

The character and quality of the coal of Bering field cannot be determined with finality until the almost negligible prospecting work shall have been extended. At present the writer, who knows the field, sees no reason to doubt the evidence given by Dr. Alfred H. Brooks, Chief of the Division of Alaskan Mineral Resources of the Geological Survey, that the chemical composition of the anthracite and the bituminous coals found therein is similar, respectively, to the best Pennsylvania and Appalachian products. How much of the coal deposits may be "crushed" only development can tell. There is no question that, for various reasons, the recent naval tests of Bering River coal were quite unsatisfactory.

As stated in the minority report to the House: "Alaska needs, more than anything else, clear-headed, patriotic attention looking to the early revision of her land and mineral laws. . . . The construction of a railroad will in no sense solve this problem." That Alaskans themselves made a show of desiring a Government road was due to their despair of relief in the natural, logical manner. Their Territorial Senators did not fail to put themselves on record as believing that the majority of their constituents were opposed to government ownership of railways in Alaska.

In order to consider another aspect of the Alaska Railroad Law, the foregoing argument may be disregarded and the assumption made that for Alaska's salvation it was necessary for the Federal Government to undertake the construction and operation of a transportation system. Is not the scheme authorized impractical? Was not the law hastily and unwisely enacted?

It could be easily shown that the cost of constructing and maintaining a standard railroad, such as the Government would build, is several times the cost of similar construction within the States. The Copper River and Northwestern Railway is a line less than two hundred miles long. As it stands to-day it represents an expense to the Alaska syndicate of more than twenty million dollars. The annual cost of its upkeep is a handsome tribute to storms, snow-slides, and flooded glacial streams. The estimates upon which the law is based rest upon figures hastily gathered by the Alaska Railroad Commission. On most of the lines involved surveys are yet to be made. It cannot be doubted

that the ultimate cost of a government line will enormously exceed these estimates. For a thousand miles of first-class railroad in Alaska—to say nothing of terminal facilities, equipment, and maintenance—forty million dollars is only a starter—a small first payment. As there are only about sixty thousand people in the Territory, from one far corner to another,—a little more than half of them are white,—the expenditure authorized for the Government line represents a rather too substantial per capita benefit. It is true that the increase in population by settlement is one of the things the project is expected to accomplish, but it should be remembered that in a region so vast not one thousand—the figure set by law—but ten thousand miles of railroad will be necessary for systematic development, once the President has committed himself to that policy.

This question of mileage raises an objection. And as so many miles of transportation lines are needed for even a first development, where the demand made upon them would be slight, there is reason in the contention that instead of the expensive trunk line, a network of cheaply built narrow-gauge roads or trails and wagon roads should be constructed to serve a better purpose for a fraction of the cost. Two or three million dollars expended by the Alaska Road Commission (the Federal Bureau responsible for roads and trails) might make an admirable beginning.

Those who disregard the enormous outlay to which the Federal Government will obligate itself in maintaining railroads in Alaska at its present stage of development have deluded themselves with respect to the returns. Efforts were made on the floor of both Houses to prove the existence of a profitable tonnage for the proposed carriers. No such tonnage exists, nor will exist for years to come. An analysis of Alaska's exports is illuminating on this point. Since 1867, something like \$500,000,000 in exports have been drawn from Alaska. Of this amount about half were furs and sea products. The other half was mineral wealth, almost entirely gold. About the same proportions were maintained during the year 1912, when Alaska's productions, fairly well measured in her exports, amounted to \$40,354,178. In other words, practically no exports represented tonnage for railroads. In all, it is safe to say that the tonnage coming out of the interior, to which the

Government will build, does not nearly amount in the course of a year to the equivalent of one good train-load.

As for agriculture, usually the chief contributor to railroad development, practically nothing in the way of tonnage can ever be looked for from that source, notwithstanding the emphasis laid there by promoters of the railway scheme. The claims made for the interior of Alaska as a producer of foodstuffs are not even supported by the testimony of Agricultural Department officials, who are enthusiastically endeavoring to develop by selective processes plant life hardy enough to withstand the rigors of soil and climate. The average Alaskan is still less sanguine.

It is true that certain rapidly maturing vegetables can be grown there with striking success. Most grains, too, can with somewhat less assurance be grown to the point where they have value when cut for hay. Rye and barley are even matured in some specially favored sections and under restrictions which will always limit the production. Intensive gardening on a small scale may in the future provide the bulk of the food-supply needed by a population which for generations is destined to be scanty. But in all fairness it must be conceded that everything is against Alaska as a home for the agriculturalist.

Government reports are highly unfavorable. Two of the six experimental stations established were abandoned, after it had been proved through some years that grain could be successfully matured at neither. As conceded in these reports, Alaskan soils are not rich in available plant food, being largely of glacial origin; fertilizers are practically necessary. In the interior the virgin soil is frozen to bed rock. The cost of clearing the ground and thawing it out by repeated plowings is equivalent to the price of good farm land in the States. The growing season for plant life in the interior ranges from barely fifty days in the eastern section to one hundred and twenty days in the western. At Fairbanks, for instance, one of the least unpromising farming regions, frost occurred as early as July 31st in 1910, and reappeared four times in the succeeding August.

Another factor which can be expected to put off indefinitely the agricultural development of Alaska is its natural inability to compete in a market bountifully supplied from the outside by a Government railroad. For all the profit

will melt overnight on those small farms, out of whose operations so much has been made in picturing agricultural possibilities as soon as natural blockades against the importation of supplies are removed.

In the face of such conditions it is unbelievable that Alaska will attract an agricultural population of any consequence, while only twenty-seven per cent. of the tillable land of the United States is under cultivation and good farmlands, are available for fifty dollars an acre.

The raising of cattle and stock, which has not been an encouraging enterprise—excepting reindeer, for whom vast areas of pasturage are available in Alaska—offers as poor a prospect of providing outgoing freight as cultivation of the ground. Nor does the exploitation of the very scanty timber which the interior of Alaska possesses offer any inducement to a possible shipper. The forests of the central section are of the woodland type, and while some forty million acres bear timber suitable for lumber and fuel, the trees are small. With anything like the degree of settlement which is predicted for the country there will not be enough timber for Alaska's own needs, even of the spruce which constitutes the bulk of the four million or so board feet of low-grade lumber now being cut annually for the mills of the interior. It will always be found necessary to import high grades of lumber for building.

Nowhere can an unbiased survey disclose a source of tonnage which will make the operation of a Government railroad in Alaska anything but an appalling expense for many years to come if not indefinitely. Judged only as a business proposition, the expenditure of \$35,000,000 for railways in Alaska under present conditions has nothing to commend it.

As for serving the cause of the people against the so-called monopolists in Alaska, it is difficult to see how any could suffer less or profit more than they whose shadow has rested so long on the Territory. They will find themselves at once fairly relieved of the burden of keeping up a railroad whose maintenance costs them dearly every year, and assured of regular service and equitable freight-rates between their mines and tidewater, which is more than they have ever had in the past.

CARRINGTON WEEMS.

WHAT IS AGRICULTURAL CREDIT?

BY R. B. VAN CORTLANDT

AGRICULTURAL Credit is something vitally interesting to every citizen of this country. The term is new here, but the thing itself is so urgently needed that we must have it in some form if our people are to remain prosperous—if, indeed, we are to continue to live. Various European nations, with soil naturally inferior to ours, have established Agricultural Credit and thereby have greatly eased the burden of the cost of living. Hitherto we have lived on the bountiful overflow of our rich land, and the pinch of necessity has not been felt; but now our population has grown enormous, our standards of living have been greatly raised, and our land is showing the effect of generations of taking out with very little putting back. We must do better or suffer.

How will Agricultural Credit help us? Speaking generally it will make life easier and better for all of us by increasing the yield of the land. And this will be done first, by placing agriculture on a better business basis; second, by mobilizing land and land mortgages; and third, by establishing financial institutions in which the prime interest will be that of the borrower—not that of the lender. If this programme seems utopian, the best reply is that its aims have been already realized with great gain in Europe, notably in Germany and France.

Hitherto the American farmer has not been a bookkeeper. His work is hard, and when the day is done he does not care to reckon up accounts. If at the end of the year the unpaid bills are not too heavy, and if the farm buildings, stock, tools, etc., are in fair shape, he is satisfied. That was the practice of the fathers, and it answered for their time; but to-day we are confronted with conditions that demand vast improvement in our methods if we hope to survive. Our grain and our cattle used to feed a large part of Europe. They do not now—or at least our food exports are but a fraction of what they used to be. We must not only replace the

elements of fertility in the land, but we must practise more intensive cultivation.

These things cost money. The initial investment must be large. The question then arises is the American farmer, so long used to easy-going methods, to get hold of the large sums he needs for betterments? By the installation of Agricultural Credit, farming will not only be made more profitable, but it will in the end make country life more attractive, so that our young people will remain on the land, and thereby check the present tendency to flock to the cities. The banking system of to-day is adapted to the needs of manufacture and commerce. The processes of nature are so much slower, however, that banking for farmers must be organized on a basis of credit for much longer periods.

Our present system of borrowing on land is by mortgages running from three to five years, the entire principal coming due at one time. This is expensive, involving renewals, and dangerous from the possibility of the mortgage falling due at a time of restricted credit so that it cannot be renewed. On the continent of Europe this business is handled by so-called land-mortgage banks, or rather associations. These associations are formed along varying lines, some with stock like the great French institution, the *Crédit Foncier*; some having no stock, like the German *Landschaften*; some being guaranteed by a state or province, as in Austria; while the principal one in Hungary combines ingeniously various features peculiar to itself. These institutions are formed along certain general fundamental lines as follows:

The mortgages granted are pledged for the security of bonds which the institution issues and sells in the general market. These bonds have no fixed maturity, but can be retired at par or some small premium at any time. When the borrower mortgages his land to the bank he agrees to pay a certain fixed sum semiannually. This is called the "Annuity" and is composed of the annual interest plus an amount, generally one-half per cent., toward the reduction of the principal of the debt and known as "Amortization," and an additional amount, about one-quarter per cent., toward the expenses of the bank. The borrower, therefore, at once begins to extinguish the principal of the debt; and as each year the principal decreases, the interest, of course, decreases also, and, the annuity being fixed, the proportion of it applicable toward the extinction of the mortgage in-

creases. Thus it happens that, beginning with a payment of one-half toward principal, the mortgage bearing four per cent. to four and one-half per cent., which are the general rates, the entire debt is extinguished in between fifty and sixty years.

The borrower has the right at any time to pay off the mortgage, a small penalty being generally exacted; but the lending institution cannot require payment from the mortgagor, thus guarding against any higher rate of interest being exacted during the life of the loan; whereas, should interest rates fall, the borrower can anticipate the payment of the mortgage and secure the benefit of the lower rate of interest. If payment of a mortgage is anticipated, or when the semiannual payments are received by the bank, it enters the market and buys or retires a corresponding amount of its bonds, so that its outstanding bonds never exceed in the aggregate the total of the mortgages it holds against them. This has also the advantage of making a constant market for the bonds, and there is no necessity of sinking-funds for special mortgages, as they are under a general pledge. These banks do not compete with the commercial banks.

The mortgaging of land is known as long-term credit, and it may be handled, as stated above, by joint-stock institutions or by associations of borrowers, the nature of the business being such that both forms of institutions have advantages and defects which may make the one form more adaptable to one community and the other form more adaptable to another; but in institutions furnishing the credit required by farmers for working capital, such as the purchase of seeds, fertilizer, payment for labor, etc., which is known as short-term credit, the third aim referred to—that the borrower should be primarily considered rather than the lender—assumes fundamental importance.

On the continent of Europe a solution is found in the organization of banks by the application of so-called co-operative principles. The purpose is to provide organizations in which the borrower receives consideration rather than the lender, also to keep the money of any body of individuals for the use of that body. Under our present system a great deal of money belonging to farmers finds its way into Wall Street. At present the lenders are organized; whereas the borrower stands alone. In a joint-stock bank the primary consideration is that of the stockholders.

The initial capital is secured by entrance fees and subscription to shares wherein the principle of limited liability is adopted; or, if there are no shares, resort must be had to the principle of unlimited liability—*i. e.*, the equal and unlimited liability of all members who join the bank for every obligation the bank may contract.

After the co-operative bank is formed, the problem of securing funds to loan is, of course, the chief one; but, as one of the principles followed is to limit dividends on the stock to four or five per cent., a reserve can be gradually accumulated. Deposits come in as it is seen that the bank is doing a safe business, all speculative business being avoided. Other important features are that every stockholder has but one vote, no matter how many shares he owns; it is provided that no person shall own more than a certain number of shares, generally ten per cent.; and another absolutely essential feature, where the bank is formed with unlimited liability, is that the area in which it operates shall be so restricted that the members can all know and watch one another. The loans must be for a productive purpose and not, for instance, for living expenses, so that when the purpose sought has had time to accomplish the results aimed at, varying in agriculture from six months to two or three years, the borrower will receive funds to liquidate the loan. Loans are granted only to members of the bank, although deposits are accepted from outsiders.

The chief difficulty is that of securing funds sufficient to supply the needs of borrowers; therefore the advisability of forming a central bank for a group of local banks was clearly seen. The central bank acts as a clearing-house for the funds of the local banks, some of which have a surplus of deposits above the loan requirements of their neighborhood. In addition, the central bank, being an institution with very considerable resources, is in a position to do business with the large commercial banks and with the Government banks of issue which exist practically in all European countries. That this whole system of co-operative banks is of no mean proportions is at once shown by the fact that in Germany, for instance, their deposits amount to nearly \$500,000,000, and the turnover of thirty-six out of forty central banks in 1910 was about \$2,000,000,000.

R. B. VAN CORTLANDT.

“TWENTIETH-CENTURY CHRISTIANITY”

BY REAR-ADMIRAL A. T. MAHAN, U. S. N.

IN the *New York Times* of Sunday, January 11th, of the present year, is reprinted a paper by Dr. Charles W. Eliot, long the president of Harvard University. This paper was first read before the General Conference of Unitarian and other churches, held in Buffalo, October 6, 1913. The title was the same as that given the present article—"Twentieth-Century Christianity." I have taken it because I purpose to deal with the same subject, less from the standpoint of prophecy concerning the future, based upon an estimate of certain selected current conditions—which is the gist of Dr. Eliot's paper—than by an appeal to history; to past conditions, which, so far from being now past, possess present vigor, consecutive and continuous with the sustained record of eighteen centuries.

No one of these centuries but has witnessed the uprising of particular conditions; analogous to those cited by Dr. Eliot, in that they have been departures from, and antagonistic to, the Christianity of the centuries, which nevertheless remains to-day essentially the same in its great foundation, which is the Divinity of Jesus Christ. The antagonisms have come and gone, and have been succeeded by others. They have almost always exerted upon the course of continuous Christianity a beneficial influence, forcing it to think; but they have not shaken the foundation, although Dr. Eliot appears to think that that foundation now is shaken and will be removed.

The present conditions upon which principally Dr. Eliot bases his estimate of the future are the progress of science, with its effect upon the general bias of men's minds, and the criticism which the Bible text and narratives have under-

gone at the hands of scholars. To this he adds certain comments upon the spirit of democracy as affecting men's conceptions of God and their attitude toward the churches; all which I think may fairly be summed up as a prediction that the reverence for Authority, at least in spiritual matters, is undermined and about to fall.

It is needless to say that the conflict between liberty and authority is perennial. As a matter of fact, almost all of us have to accept authority of experts—of those who know—in matters of which we ourselves are ignorant; either that, or a mastery of the subject attained for ourselves, a thing often impracticable. Christians generally will admit that in the case of individual responsibility and decision no authority is known superior to the authority of conscience. That granted, there is liberty; but they will add that a man is responsible for his conscience; that it must be instructed and enlightened up to the means available to his use. A mere slap-dash, superficial opinion, formed on imperfect knowledge, is not a justifying conscience. Authority has a place in human life from which it can never be deposed, because no man can be competent to decide all truth for himself.

Dr. Eliot's thesis may be summed up under two heads.

1. It is a prophecy, based upon assigned reasons, as to the character which Christianity will tend to assume during the current century; that it will approximate increasingly to the form of belief known as Unitarian.

2. It ends with an appeal to the Unitarian body to fulfil this prophecy by propaganda at home and abroad.

Before commenting on these two, it may be remarked that Dr. Eliot's statement, advanced apparently as a novel conception, that God appears to modern thought as an incessant worker, "sleepless activity, energy, and will," is a commonplace of historical Christianity. At its earliest beginning Christ Himself affirmed, "My Father worketh hitherto, and I work." "Not a sparrow falls to the ground without your Father." The conception of God as having created a Universe once for all, and then abandoned it, is not Christian, but Deistic. The unceasing working of God runs through the whole New Testament, as it does the Old. "He that keepeth thee shall neither slumber nor sleep." "Fire and hail, snow and vapor, wind and storm, fulfilling His word." "Work yourselves, for it is God who is working in you,"

says St. Paul. The efficacy of Prayer, never more insistently urged than by Jesus, and by Christian workers of to-day, implies an unceasing interaction of God's work and man's work.

Dr. Eliot formulates as follows his coming Christianity:

It is expressed in the formula, the Fatherhood of God, the brotherhood of man, and the leadership of Jesus. This is a form of Christianity which prefers liberty to authority; sees neither deities nor demons in the forces and processes of nature; *deifies no human beings*;¹ is not propitiatory, sacrificial, or expiatory; . . . relies on reason and hope; has ministers and pastors, but no mediatorial priests; recognizes and resists sins, wrongs, and evils, and looks death in the face, but dwells chiefly on goodness, life, and love.

It is somewhat difficult to reconcile seeing neither demons nor deities in the processes of nature with Dr. Eliot's later statement that “ Twentieth-century people recognize God chiefly in the wonderful energies of sound, light, and electricity, in the vital processes of plants and animals,” etc. Surely he would not imply that nineteenth or eighteenth century Christian people saw lesser gods than God in such activities. Otherwise, in the words quoted there are some things in which all who in earnestness call themselves Christians will agree; some in which there is great and allowable difference of opinion; but the phrase in italics summarizes the decisive impassable gulf between the Christianity which has been and still is—the Christianity of History—and that to which Dr. Eliot's prediction assigns the dominance of the future. The modern Christianity, he says, “ *deifies no human beings.*” This is meant to be a rejection of Christ's Divinity. The word “ *deify* ” means “ to make a god of ” that which is not God, and in this sense every Christian will assent. But while Dr. Eliot in his own sense uses the word correctly, for to the Unitarian Jesus Christ is only a man, and to worship such as being God is to deify, historic Christianity has not so deified Jesus. It has from the beginning recognized and affirmed that He was and is, in Himself, God, manifested in human flesh. This is the doctrine of the Incarnation: that in essential personality Jesus Christ is God from all eternity; that at a certain moment in time He took flesh and appeared as man, in order, among other reasons, that thus, expressed in terms of our manhood, in His life and in His death, we

¹ Author's italics

should see, and to the utmost of our capacity might comprehend, what God is in Being, in character, and in act.

This is not deification. It does not make a god, it recognizes a truth. To no other human being do Christians assign Divinity.

As a matter of history, this conception of Christ as God has been the foundation fact in Christianity. It alone imparts significance to His Life, His Death, His Resurrection. Through the Christian Church it has been also the foundation fact in the history of the peoples among whom that Church has established itself; and that despite the many shortcomings and scandals, notably the intestine quarrels and pitiful divisions, before which we of to-day bow our heads in shame. Yet not without hope, for that Jesus Christ is God remains the common confession of all. This is the flat absolute contradiction of Unitarianism; the difference is radical—fundamental. Unitarianism in various forms is no new thing. It has struggled many times to make good, but it has always failed to control the belief of the Christian body. Judaism is unitarian. Mohammedanism is unitarian in its belief concerning God. Also, like Dr. Eliot's coming Christianity, it recognizes the eminence of Jesus; though it reckons Him inferior to Mohammed.

Let us turn from prophecy to history. To whatever causes assigned, the world-wide acceptance of Christ as God will, I think, be admitted to have been, and still to be, the decisive characteristic of the Christian Church. The great Eastern and Roman Catholic communions so hold; likewise all the large Protestant bodies. This belief is not incidental, but fundamental. All essential Christian teaching rests upon it. With it destroyed, the whole edifice of Christian beliefs collapses; the past nineteen centuries have been to Christians a delusion. There is no bridge between this belief and the Unitarian. The chasm is absolute. Men on either side may have mutual esteem, may work together for secular or benevolent ends; but the springs of their religious action are fundamentally diverse, and in the long run the results will differ as two plants from different seeds.

Look at results in the world as it now stands. This delusion (if it be so) has been the great energizing force in the peoples called Christian. Over forty years ago a Japanese memorialized the Emperor to remove the existing prohibition of conversion to Christianity. Said he:

The industry, patience, and perseverance displayed [by Christian nations] in their arts, inventions, and machinery, all have their origin in the faith, hope, and charity of their religion. In general, we may say that the conditions of Western countries is but the outward leaf and blossom of their religion, and religion is the root and foundation upon which their prosperity depends.

A curious confirmation of this, to which, however, too much significance should not be attached, is that in a competition for prize poems offered by a Tokio newspaper in 1902, to which twenty-six hundred responded, of forty poems selected as most worthy more than half were written by Christians; and the three highest prizes all went to Christians. The result was explained as due to the religion of the writers, which had helped to inspire them with fresh and lofty thoughts. Although at most periods the number of those who have embodied their Christian belief in their lives has been small relatively to the whole population, the history of the countries into which the Christian Church has made its way has shown a progressive Christianization of ideals, taking practical effect in common life. Quietly and insensibly, these obtain general acceptance, which, unhappily, is not the same thing as universal observance; but they influence standards. There is a gradual uplift, such as geology affirms of parts of the earth's surface. This, and not real Christian living on the part of the majority of the people, is the note of the secular history of the nations called Christian. Not a universal following of Christ's words and example, but an atmosphere; to use His own prediction, “ the salt of the earth,” “ the leaven of the lump.” “ Ye are the light of the world.” “ Ye are the salt of the earth.” “ A little leaven leaveneth the whole lump.” This is so because the God Jesus dwells in those who serve Him, imperfect as they themselves are.

Where else than in Christian peoples is this progress to be found? Look at Mohammedan countries; look at China; look at India; look at Japan. The progress of Japan is perhaps even a more striking illustration than the backwardness of the others. Only forty years have passed since (in 1873) the edict-boards, prohibiting conversion to Christianity under very severe penalties, were taken down. Already there are nearly 200,000 Christian converts. Two hundred thousand in forty-five million seems few; but I apprehend St. Paul would have been astounded if at the end

of his career he had found as many in the Roman Empire, despite its common dialects and his own peculiar "gift of tongues." A Japanese Premier, not himself a Christian, has said, "Though the numbers are few, the indirect influence is great." Again the salt and the leaven. In China and in India the like tendency is noticeable. In India, the "outcasts," the "untouchables" by the Brahman, Christianized and uplifted, are teaching in schools and colleges the children of those whom under the Hindu caste system they may not even approach. An experienced African administrator, Sir Harry Johnston, has said, "The Church Missionary Society for good or ill has done more to create British Nigeria than the British Government." In the *Outlook* of January 14th we read, "There is a general movement toward Christian institutions in the Turkish Empire. Five years ago fear of persecution prevented Moslem parents from sending their children to Christian schools. To-day every American college in Turkey has an unprecedented number of Moslem students. The colleges are packed to the doors. Moslem mothers come to the heads of colleges pleading for the admission of their sons." Yet this remains only benevolent, so long as conversions are prohibited and do not take place. Doubtless it is "making ready a people prepared for the Lord"; but not till numbers turn to Christ, and become Christians, will there be the salt and the leaven which changes the character of a nation and thereby its destiny. Only in countries under Mohammedan rule is conversion forbidden; hence the hopelessness of Turkey, Persia, Afghanistan.

"My Father worketh hitherto and I work." The forward work of Christianity, based on the acceptance of Jesus as God, goes on to-day with increasing fervor and energy, and with increasing results. Statistics are wearisome, yet I venture to quote here a summary that can be but little known to the general public, which has come in my way as a member of one of the "continuation" committees of the Edinburgh Conference of 1910. It refers to Protestant Missions only—does not include those of Greek and Roman Catholics.

Protestant Missionary "enterprise now represents 24,092 foreign missionaries, 111,982 native workers, 2,644,170 adult communicants [in full membership], a Christian community of 6,837,736, 86 colleges and universities, 522 normal and theological colleges, 111 medical colleges, 98 training-schools for nurses, 1,714 boarding and high schools, 292 indus-

trial training-schools, 115 kindergartens, 30,185 elementary and village schools, 576 hospitals and 1,077 dispensaries, 271 orphanages, 88 leper asylums, 21 homes for untainted children of lepers, 25 institutions for the blind and for deaf mutes, 21 rescue homes for fallen women, 103 opium refuges, 15 homes for widows, and 28 industrial homes, and one hospital for the insane. These works extend over 38,557 cities and villages of the non-Christian world.

Striking as these figures are, it will be recognized that they are small measured against the population of the non-Christian world; but let it be recalled that they are the salt and the leaven, the historic symbols of Christian energy; and that they would not have been at all, except as laid as tribute at the feet of the Crucified Redeemer, whom we worship as our God. Let it be added, too, that the leaven works continuously; not only numbers but influence increases daily.

In this movement what part is played by those who deny that Christ is God? by those who for motive to self-sacrificing energy look to the formulations of Dr. Eliot? Let there be no mistake. This immense action, like its antecedents in the long history of Christian Missions, depends upon the sole conviction, enunciated by St. Paul, that “ Jesus Christ is the Son of God with power, so proclaimed by His Resurrection from the dead.” That He, being God, humbled Himself to take our nature into union with Him, in order that He might be the world’s Redeemer—which Christian History demonstrates Him to be—this to believers arouses the enthusiastic devotion, which finds expression in the myriads of lives to which He is the one inspiration.

For argument, let us concede that this belief is mistaken; that the Apostles, in witnessing to the Resurrection, and that the Christians of the succeeding centuries, have been under a profound delusion. The fact remains that the belief has constituted a gigantic spiritual force, constantly renewing itself, possessing to-day the full vigor of its youth, and characterized throughout by that one supreme motive in human action—passionate devotion to a Person, to a great Leader; nay, to a personal Saviour and Redeemer. “ We love Him because He first loved us.” Such a fact demands explanation. Does any one really think that the tepid admiration we all feel for a long-dead teacher, such as Socrates, even though he have the supremacy Dr. Eliot

grants to Jesus, can provide the power which such belief in Christ gives? (I here pass over, of course, the spiritual power we believe He constantly ministers to His sincere followers.) Can scientific conceptions or ethical maxims supply that energy of self-sacrifice which Jesus Christ certainly has elicited and still elicits? The appeal to history is simple and sure. Follow through the ages the narrative of Missions, from Christ Himself, and Paul, to—say—David Livingstone, or to the Christian ministers who a dozen years ago died with thousands of their converts in China, for the Faith; count the heroes, and parallel them if you can by equal self-devotion maintained through centuries for any other one cause.

It will not, I trust, be thought that I am denying self-sacrificing heroism in many other causes. A military student is scarcely likely to do that; nor do I forget the instances in many professions, notably the medical, nor the daily record of heroic acts by persons otherwise obscure. There is much raw material of heroism in human nature. That to which I seek here to draw attention, as being unique, is the heroism which not only dares, but endures, for reasons always unselfish; and the distinction of which is that it is elicited and sustained from generation to generation by one single motive, devotion to Christ as God, continuous from the day on which Christ was crucified till now. These jewels are all on a single thread.

The unequalled motive power of love to a person is the record of humanity, in private life and in public. It shows itself sometimes on a small scale, numerically; sometimes on a large, as in the case of the great Napoleon. Mohammed is a conspicuous instance. Like Jesus Christ in this, he retains to this day the enthusiasm of his followers. It is the mainspring of their religion. No more effective war-cry was ever framed than “there is no god but God, and Mohammed is His prophet,” and Mohammedanism is a religion of the sword. But compare the two lives, the two teachings, and the two results in the progressive decadence and present social conditions of Islam, and the sustained upward movement of Christendom.

Take the Christian states most backward in our estimation; say Russia, with its Jewish policy and massacres, its stunted political development; or consider the condition of much of Latin America. In the latter case the progress in

the last thirty years is known, and warrants expectation for the future. For Russia, I know from a competent observer that the material advance, which has been the handmaid and attendant of Christianity, far exceeds what we here appreciate; but, rightly to estimate the influence of the Christian salt, compare her with the greatest and most enduring Mohammedan power of history—with her neighbor Turkey. Constantinople, one of the great strategic positions of the world, fell in 1453, but for a century before that the Turks had been in the Balkans. The Turkish Empire had then reached its highest development. Russia, at that time a geographical expression rather than a nation, a congeries of petty principalities with a nucleus at Moscow, was just escaping from prolonged Mongol domination. The history of her progress thence is in many respects lamentable, as is her present. As ever, Christianity has been a deciding influence in the lives of but a small part of her people; but it is always there. It is there to-day—the salt and the leaven. Where is a sign of dawn for Turkey, despite fine traits of character in her people? In the political balance, the internal order of Russia compares most favorably with the paralysis of authority in Asia Minor, as testified by current periodical literature. Sir Edwin Pears, the president of the European Bar in Constantinople, resident there for forty years, said two years ago, that whenever the yoke of Turkish misrule is removed the new Christian states advance in all that makes for civilization. Why does not Turkey also?

Now, whatever my personal opinion, I do not commit myself to saying that to Christianity alone is due, in last analysis, the differences noted. I simply state the unchallengeable general fact that, wherever Christianity is, there coincidentally is progress, and sustained progress; and that where Christianity is not, there is coincident decadence until Christianity enters, and that then the movement is reversed, as to-day in China and India. Further, the Christianity which is thus efficient has been and still is that which affirms the eternal Divinity of Jesus Christ and His Resurrection from the grave; finding in the Incarnation and the Cross the inexhaustible motive to action, as it finds in the Resurrection the demonstration of the Incarnation.

The various intellectual movements of the nineteenth century upon which Dr. Eliot bases his prophecy, scientific dis-

covery and Biblical criticism, with consequent changed points of view, have in no degree altered the fundamentals of decision. That these, with other causes, tend to keep a great majority of persons indifferent or unbelieving, is simply perpetuating a condition which has always existed. Those in whose personal lives Christianity is a power have always been a minority; but it is a minority in which, despite the shortcomings and the internal divisions which are the reproach of the Christian body, Jesus Christ dwells, and through which He works. That is all the difference. From age to age unbelief and indifference have shifted their ground; in our own day they have their specific basis. From the beginning throughout the Christian faith has had one foundation, which, to use one of St. Paul's summaries, is, "Jesus Christ, Who died; yea, rather, Who is risen again, Who also sitteth at the right hand of God."

In conclusion, be it noted that Dr. Eliot's postulate of the "Fatherhood of God" cannot be substantiated as a scientific proposition. No more can the very existence of God. Apart from a revelation, the existence of God cannot, as far as yet apparent, receive that demonstration to the senses which Science demands for acceptance as a fact. His existence, still more His fatherhood, remain mere inferences, matters of faith, which rest on much less solid foundation than the general Christian belief; for this advances as its basis a substantial fact, an experience of the senses, such as Science requires. The witnesses to the Resurrection of Jesus Christ assure us that they knew the fact by the tests of sight, hearing, and touch, applied to His risen Body. This evidence may be rejected; but those who have accepted it, with the inference from it and other collateral circumstances that Christ is God, have originated and sustained a movement which throughout its history has coincided in the long run with the advance of human liberty and of human welfare; which, as was said of its first preachers, has turned the world upside down. We who believe have no doubt that as it has been, and now is, so it will continue to be. But I do not wish to transmute conviction, however sustaining to us, into prophecy to others. I rest the case upon experience, the experience of the past and of the present.

A. T. MAHAN.

SPRING NIGHT

BY SARA TEASDALE

THE park is filled with night and fog,
The veils are drawn about the world,
The drowsy lights along the paths
Are dim and pearly.

Gold and gleaming the empty streets,
Gold and gleaming the misty lake;
The mirrored lights, like sunken swords,
Glimmer and shake.

Oh, is it not enough to be
Here with this beauty over me?
My throat should ache with praise and I
Should kneel in joy beneath the sky.
Oh, beauty are you not enough?
Why am I crying after love?
Have I not an eager soul
With God for its last splendid goal?
Youth, a singing voice, and eyes
To take earth's wonder with surprise?
Why have I put off my pride?
Why am I unsatisfied,
I for whom the pensive night
Binds her cloudy hair with light,
I for whom all beauty burns
Like incense in a million urns?
Oh, beauty, are you not enough?
Why am I crying after love?

SARA TEASDALE.

PAUL FORT—BALLADES FRANÇAISES

BY J. K. ROOKER

FOR long in the history of French literature the *Académie Française* has stood for talent as opposed to genius. And if one class were looked upon askance by that august body, more than another, it was that to which the young poet belonged. A seat among the immortals on the Mount of Parnassus carried with it no seat, *ex officio*, in the *Académie Française*. So, some half a century ago it was determined that a "Prince of Poets" should be elected and chosen by his peers. The palm should be given to him who possessed what the *Académie* condemned—originality and genius. The first to receive this palm was Leconte de Lisle, then Paul Verlaine and Stéphane Mallarmé; it is now held by Paul Fort, *poète français*.

Our object here will be to define, as far as we are able, the chief qualities of the poetry of M. Paul Fort.

The name of Paul Fort may still be unfamiliar to some Americans, even to those who dabble in French literature; and we must admit his works are unknown to great numbers of his own countrymen. Yet Paul Fort is a unique personality, exercising a considerable influence on the young poets of the present generation. The last of the *Cénacles*, which flourished in the days of the symbolists, is under his presidency—it was, indeed, at *La Causerie des Lilas*, held at a café in the Latin Quarter, that the writer first saw Paul Fort. His presence was one that could not easily be forgotten; the tall, straight figure, with the dark, shining eyes and jet-black hair plastered over the high tanned forehead, fixed itself on the mind.

Our poet was born at Rheims in 1872, and his name was familiar to literary circles before the age of twenty, as the founder of the "*Théâtre d'Art*" in opposition to the "*Théâtre Libre*," where the young naturalist writers of the

day performed their plays. Alone, possessing no influence, Paul Fort set about his task; he inspired actors to join him without any promise of pay, put up his own scenery, and gave to a select public for several years their first taste of Maeterlinck and the idealist writers of the time; also now and again less modern plays were staged, and it is interesting to note that Marlowe's "Faustus" and Shelley's "Cenci" figured in his programme. However, Paul Fort was not to remain long the manager of a theater, but as suddenly as he entered active life he left it, to retire and wander alone for three years over hill and plain. These years of silence were not unfruitful; they were immediately followed by the first publication of the first series of the "*Ballades Françaises*" (1897), which at once gave him an assured place among the poets of his day.

The "*Ballades Françaises*" have now mounted to the tenth series, and in fact almost all Monsieur Paul Fort's poetry has been published under that title.

There is a difficulty, and a serious one, which immediately confronts the critic—it is the universality of Paul Fort's appeal. Nothing seems foreign to his sympathy: he meets life at every point, and in his verse jots down his impressions. For often it is a mere jotting down; the poet catches an emotion or a thought on the wing, and retains but enough to give the same sense of something fleeting and transient. This is most noticeable, perhaps, in the second series, entitled "*Forêt-Plaine-Mer*," where nature under a thousand different aspects is for a moment portrayed in his verse.

Yet, however great the variety may be, however vagrant the poet's caprice, in all he writes is felt a subtle charm emanating from the man. This is an individual gift, which by no means every poet possesses, and often not even the greatest, but one, nevertheless, of the most pleasing of which a poet can boast. A quotation will make our meaning more clear:

Si toutes les filles du monde voulaient s'donner la main, tout autour
de la mer elles pourraient faire une ronde.

Si tous les gars du monde voulaient bien êtr' marins, ils f'raient
avec leurs barques un joli pont sur l'onde.

Alors on pourrait faire une ronde autour du monde,
Si tous les gens du monde voulaient s'donner la main.

About poetry of this kind there is something infectious. It does not carry you away to heights of passion as does

greater poetry, yet you cannot escape it. The magnet is there, and the magnet draws. About much of the verse of Paul Fort there is this delicate attraction, this haunting simplicity.

At times, however, our poet rises to more majestic levels, and his greatest triumphs have been in the fusion of sincere sentiment and fantastic imagination.

Le ciel et les sommets sont la même patrie, et leurs voix, plus tragiques, s'épousent dans le soir, lorsque vers les étoiles l'aigle pousse un grand cri, que suit le bèlement plaintif des chèvres noirs.

On ne sait si les pics deviennent transparents, ou si le ciel y vient tourner ses pierreries: si les astres mirés tintent les torrents, ou si la voix des eaux rythme le flot des nuits.

Mais tu pourrais, poète,—si l'homme savait croire—élever en prière ton lyrisme hardi, ne voir en la montagne, offerte en bel espoir, qu'un échelon vers Dieu et vers son paradis,

dominer la montagne, et tu verrais, peut-être, sur la plus haute cime que tu aurais gravie, descendre des étoiles ou monter de ton être l'échelle de clarté qui mènerait vers Lui!

Oh! si tu savais croire, poète qui souris, ton émotion même te porterait à Lui, tu n'aurais d'horizon que celui de ton âme, et tes rêves au ciel mêleraient leurs montagnes. . . .

This power of combining intense emotion with great imaginative force marks the highest point, to our mind, that the poetry of Paul Fort reaches. The fancies of his mind seem to run wild picking at every flower whose gay and curious colors catch the eye, and he chooses the most curious and the gayest with which to wind his wreath of song. In his inspired moments he lives in a world of metaphor of astonishing variety and richness; and it is only the trembling sincerity of the verse which repudiates the suggestion that he has gone in search of his imagery definitely seeking the most unlikely and strangest he might meet upon his way. It is by drawing his inspiration from the elemental emotions of the human heart that he avoids artificiality. For three years he buried himself alone among the beauties of nature after all the activity of a life fully lived in Paris; from that close communion was born his book of ballads singing of the plains, the forests, and the sea. In the actual emotions which the poet experiences there is a certain simplicity; it is only in the imagery that we notice all the wealth of a Southern mind ready to catch every shade of color and tone. In the union of these two qualities the special charm and in-

terest of his poetry lies—it is simplicity of conception with Oriental abundance of metaphor.

The danger of this union is when the harmony fails, when the gaudy dress but clothes a poor and weak skeleton, when the initial conception lacks inspiration, and the poet in multi-colored garments would hide the place where the heart should beat and cover the motionless flesh. And we cannot deny that some of the work of Paul Fort is guilty of this mean device.

The sympathy of Paul Fort, we have said, is all-embracing. The whole of humanity seems to find entrance to his heart: from the town-dweller to the Bohemian of the Latin Quarter, from the provincial tradesman to the tiller of the soil. And, what is of more importance, this sympathy springs from inner knowledge, for he has lived with them all, watched their doings and followed them in the insignificant acts of daily life, and thus been enabled to see closer and more clearly than those that are content to look on from afar.

Indeed, one of the most characteristic traits of the work of Paul Fort is this universal sympathy toward humanity. He is stirred by the mere contact of human beings; he knows their joys and sorrows, and he sings of them in his verse. However, though he is not blind to the wild pleasure of simply existing, to all the beauty scattered through life, he sees with equal clearness the tragic side. Take, as an example, this delicate "Ballade au Hameau":

Cette fille, elle est morte, est morte dans ses amours.

Ils l'ont portée en terre, en terre au point du jour.

Ils l'ont couchée toute seule, toute seule en ses atours.

Ils l'ont couchée toute seule, toute seule en son cercueil.

Ils sont rev'nus gaîment, gaîment avec le jour.

Ils ont chanté gaîment, gaîment: chacun son tour.

"Cette fille, elle est morte, est morte dans ses amours."

Ils sont allés aux champs, aux champs comme tous les jours. . . .

Many of Paul Fort's poems singing of the life of the peasant or the mountain shepherd are touched with a tinge of sadness. It is, however, his more strictly individualistic verse, where he boasts that to him *nihil humani alienum est*, which is the truest expression of his buoyant optimism. There he laughs with the rising dawn, and all that comes his way during the passing hours is inspiration

for the joyous music of his song. Yet in spite of this width of sympathy he rests essentially individual—he embraces all, but is never embraced by all. He stands and cries welcome to every breeze that blows upon him, but never does he for one moment forget that the center of the commotion is his own personality. His is the individualism of Walt Whitman, glorying in his own strength and stature, yet glorying, too, that he shares it with humanity as a whole. And, further, this great love for life, wherever it may be found, is for the poet the true way of letting rays of happiness fall across the darkened hearts of others.

Si tu sais méditer et voir, tout devient clair à ta bonté,
Mais si tu sais aimer la vie partout où tu la rencontres,
Tu sauras éclairer la nuit des âmes les plus profondes.

To extend this sympathy to all human beings, to know the careless laughter of the child, and not be ignorant of the tear wrung from the eyes of the man—this for Paul Fort is taking of the fullness of life and accepting the greatest wealth she has to offer.

J'ai le cœur enfant,—de quelle profondeur!
Qui donc le saurait? Je ne le sais moi-même.
Ce que je sais seul, j'aime celui qui m'aime.

Or again:

Mort! le vent pleure autour du monde. Vie! autour du monde
le vent rit,—Aimons-nous vite, aimons-nous tous, dépêchons-nous,
le vent nous pousse.

If we pass to the nature poems, which are profusely scattered through his works, we notice the same universal sympathy extended to the material world. The volume of *Ballades* entitled “*Forêt-Plaine-Mer*” contains the largest number of these poems. They render, perhaps too obviously, the idea of a series of impressions where just enough effort has been given to catch the last glimpse of a fleeting emotion. The sketching note-book is too palpable; and in consequence the volume lacks depth of feeling.

Quelle douce mer, le vent et l'air bleu. O l'écume bleue des vagues
de l'air, à la nuque, aux tempes, au front de la montagne, noyée
jusqu'aux yeux.

This verse of pure description, charming as it is in itself, loses that charm in constant repetition; and when poem after poem is little more than a series of images, a chaplet of passing emotions stirred by the breeze playing across the face, we are conscious of a certain insufficiency.

However, we would not suggest that this is all that the nature poetry of Paul Fort can give; but we cannot leave these purely descriptive poems without noticing the strength and beauty of his picture, when now and again with a sure hand he paints the vision which rises before his eyes:

L'impression est grave et l'âme se recueille lorsqu'on voit au lointain la plaine chargée d'arbres lever, comme en un coup de vent, sa large vague jusqu'au ciel, où s'égare l'écume bleue des feuilles.

Or notice the delicate charm of this hymn sounding the advent of spring:

*Lorsqu'au premier soleil la terre frémissante a vu ses germes s'élever vers le jour, et que tous ses sommets ont senti sur leurs pentes l'herbe les caresser de ses mains de velours,

les clochettes ont ravi le réveil des villages blottis sous les vapeurs tremblantes des vallées, les troupeaux ont blanchi l'air bleu de la montagne et les souhaits des clochers ont suivi les bergers.

Le vent chargé d'aurore a balayé les brumes et le soleil, aux lèvres, a doré les pipeaux. Le jour a descendu blancs torrents qui fument, quand les troupeaux montaient vers un azur nouveau.

Sous les glaciers jetant leur sources violettes, la montagne semblait couverte de rubans, et le son des pipeaux et le bruit des clochettes faisaient de la montagne le hochet du printemps.

Yet if the greater bulk of Paul Fort's nature poetry is descriptive, the more important never loses touch with the soul of man, for his moods are in harmony with the moods of nature, who responds, as only nature can, to the cry of the human voice trembling with joy or pain. There is a unity which binds the whole, and the same rhythmic laws govern the life of both:

La cerise commence à rougir, mon cœur à n'avoir plus de peine, et les lavandières à rire le long l'Oise et de la Seine.

Nature to the poet is essentially alive; the universal spirit is imminent and penetrates her whole being:

Des lointains la montagne était un doux visage, la roseur des villages accentuait ses plis, et son vivant sourire et son vivant langage étaient l'œuvre de Dieu et des hommes unis.

So approaching the mountain slopes decked in the first glory of spring, he feels well up within his breast a kindred sympathy:

Quand je m'approchai d'elle, ce fut une prière qui monta de mon cœur vers ce rêve divin, et pardonnant au ciel les haines de l'hiver, j'allai tremper mon cœur aux sources du matin.

The attitude of Paul Fort toward the natural world is not simple pantheism; his conception is that of the human soul mingling with nature, and then together rising toward the Soul of All. God is the magnet which attracts everything to Himself. Nature and Man in one chant of joy mount to lose themselves in the Infinite. The spirit of God and of the Universe do not of necessity form one spirit, but that unity is the natural desire of man and the material world. It is here Paul Fort differs from the pantheist. Now there is separation, then will there be union:

Les parfums, le zephyr, les cloches et les chants enveloppaient.
mon âme et la portaient à Dieu!

This sense of kinship with nature is felt in the constant harmony of which our poet sings as existing between man and natural phenomena. With the wind he races along the mountain ridge; he lies on a bed of autumn leaves in the forest and hears the trees murmuring their dirge; he glides into the clear, cool water of the stream and listens to its babbling song. So Nature in his verse is personified, and the poet draws frequent analogies between her moods and the joys and sorrows of men; or he takes some scene, as that of the death of a stag, and makes it symbolize in his poem the agony of a broken heart:

Mon cœur est désespéré—Mes amis chasseurs,
Voyez le cerf déchiré.

Avant de mourir je meurs—Vite à la curée
L'œil du cerf se voile et pleure.

Nature for him is no implacable goddess, as for Alfred de Vigny, for example, who follows her destined course indifferent to the cry of humanity. She is not soulless, but soulful; and it is on her breast that man most willingly should lay his head; it is holding her hand that he should sing upon the mountain top; and lastly it is with her he should rise to merge himself in the spirit of God.

The technique of M. Paul Fort's poetry possesses one or two marked differences to that of his predecessors. It is printed in the form of prose, though being for the most part composed in the ordinary alexandrine of twelve feet. He uses, with general accuracy, the median cæsura, and his rhymes are often rich, though constantly he is content with a simple assonance, and also from time to time writes in blank verse.

These various meters come directly from the popular songs of the countryside, where indeed our poet sought his inspiration. It is the music of the folk-songs that he has so skilfully used in his verse. The style is new to modern poetry, and to Paul Fort must remain the honor of giving to it an established place. If some such attempts had already been made by M. Mendès, for example, in his *Lieder*, or by M. Péladan in the *Queste du Graal*, nevertheless our poet by the infinite variety of which he has shown it is capable, by the great importance it possesses in his own work, and by the theoretical value he attaches to it, has made this style above all his own, and with it his name will always be remembered.¹

We will limit ourselves to but one quotation. It is the dedication to his first volume of ballads:

Ton regard est plus doux d'avoir été voilé quand tu souris d'avoir pleuré,
et plus doux ton sourire de s'être dévoilé quand ma peine et ton âme ont dû se rencontrer.

Sur mon visage en larmes a passé ton sourire, chère âme, et j'ai chanté
de toute la gaieté naïve de ton sourire, dans toute la douceur de ma simplicité.

This system of meter lends itself with wonderful ease to every change in the poet's thought and feeling; and in the verse of Paul Fort the rhythm of the music is always in close harmony with the motif of the poem. From the chanting verse of careless gaiety to the long-drawn wail of bitter agony the poet moves with grace and power. However, where the bulk is great, as the ten volumes of ballads testify, there must be verse at times which seems crude and harsh, and indeed this effect, in the poetry of Paul Fort, is intensified by the strangeness of his imagery and the occasional brutal realism of his thought. Yet as a whole the reader delights over the variety and harmony of the verse which fills these volumes.

We have attempted to sketch the main characteristics of M. Paul Fort's work, to point out those traits of sympathy which distinguish his verse, a sympathy which he extends to all persons and things that cross his way. We have in-

¹ Vid., Introduction by M. Pierre Louÿs to "*Ballades Françaises*," Série 10.

sisted on that kindred human feeling that is predominant in his temperament and which enables him to enter every heart. We have shown, too, the close union which our poet realizes with Nature, how she is for him a living soul ever ready to respond to the soul of man, and that their ideal is a common one; to rise together, mingling one with the other, and finally rest in the infinite soul of God.

And it will not be useless repetition to emphasize again the variety of thought and feeling which is seen in his poetry; there is, indeed, expressed a wealth of sympathy with man and the material world that is unique in modern verse; though perhaps this diffusion of sentiment is of necessity weaker and less intense than more concentrated passion.

Lastly, the rhythmic prose with the irregular rhymes, in which form the "*Ballades Françaises*" are written, claim for Paul Fort the merit of introducing a new style into French literature. Here again the astonishing variety of modulation and tone, the sinuous grace of the strophes, and the harmony realized between the thought and the expression is that which strikes the reader most keenly.

In this poetry we hear all—from the "wailful sweetness of the violin" to the gay song of the flutes and reed pipes.

J. K. ROOKER.

TRAVEL

BY LOUISE COLLIER WILLCOX

THE years that ring in changes more swiftly than ever before also immeasurably increase the ways and means of travel. So much going to and fro on the face of the earth is done nowadays, one might almost hope that taste and knowledge should become universal. The difficulty is that when only a few men traveled they were responsible for gathering moss and bringing back the material of thought and judgment. But now that all men travel no one is responsible, and if anything at all is gotten out of it it is something quite different from the old-time returns. The dangers are rather that we shall again become nomads of some sort and roam over the earth and through the air for no greater assets than distraction and spoils.

“The great architect of the world,” writes a famous seventeenth-century traveler, “hath been observed not to throw down all gifts and knowledge to mankind confusedly at once, but in a regular parsimonious method to disperse them by certain degrees, periods, and progress of time, leaving man to make industrious researches and investigations after truth. . . . One day certifieth another, and one age rectifieth another. The morrow hath more experience than the precedent day, and is ofttime able to be his school-master.”

How much of the old observation remains to us to-day it is hard to say. Heretofore men traveled to report to other men and manners, of policies and politics, of taste and education. But to-day knowledge and taste are commercialized along with everything else in the world, and only the gaping school child is introduced to the matters which interested the old-time traveler.

Surely not since the sixteenth century has any author daringly labeled his observations of travel *Crudities*. But

the remaining method of Thomas Coryat is perhaps not so entirely out-of-date; for meeting difficulties in finding a publisher to bring out his observations which, as he states, "were hastily gobbled up in five months' travel in France, Savoy, Italy, Rhetia, commonly called the Grisons country, Helvetia, alias Switzerland, some parts of High Germany, and the Netherlands," he took to persuading the eminent men of his day to write "panegyric verses upon the author and his book." It was he who first described umbrellas seen, oddly enough, not in England, but in Italy.

Father Montfaucon traveled to report of libraries, manuscripts, monasteries, churches, palaces. He found a great painter named Jottus (Giotto) and appreciated his painting and mentions his friendship with Dante. His comments on libraries amount almost to being catalogues.

In 1649 James Howell writes to his friend of the purposes of travel:

"Nor is it language only that you have brought home with you, but I find that you have studied men and the manners of these nations you have conversed withal. Neither have you courted only all their fair cities, castles, houses of pleasure, and other places of curiosity, but you have pryed into the very mysteries of their government, as I find by those choice manuscripts and observations you have brought with you. In all these things you have been so curious as if the soul of your great uncle, who was employed as ambassador in the Imperial Court and who held correspondence with the greatest men in Christendom in their own language, had transmigrated into you."

John Evelyn is full of beautiful landscape, historic association, rarities, and riches, and one not too sophisticated to care for the outer aspects of a place may do less well than to read the descriptions in the diary of the *Journey Through Italy* in 1644; remembering how the bricks of Siena are so well made that they look as well as porphyry itself, learning of the inexpressible beauty of the Duomo, with its large square stones of black and white polished marble or the rare pictures in the richly furnished palace of Negros in Genoa.

Among the later eighteenth and earlier nineteenth century travelers were Goethe and Heine; Goethe recording his great longing to feel his way into a true understanding of art and his determination to concern himself only with such

things as "lasting relations," since the form of this world passes away. But how little he realized the swiftness of this passing! It was only in 1787 that he wrote this, and yet in 1914 how vaguely men are interested in the Sistine Chapel which stimulated his yearning for eternal interests!

Heine seems a century instead of a half-century nearer to us, for Genoa, Lucca, and Verona left him still keen to discuss the foibles of men and he still yearns, rather like modern man over those who are too "healthily unknowing" to be impressed by the corpse of Rome. After all, he thinks if the beautiful corpse were not wholly dead, but just pretending for a while, and could rise up and take on life again, it would be only terrible. Let the dead past bury its dead is his motto, and let men live in the passing present.

And it is indeed to the passing present that travelers adapt themselves to-day, and the modern record of travel is really an account of the highroads. Motor travel is the only kind that is reported, and roads are of greater consequence now than history or art.

Probably futurity holds in store only books on air travel, and in future years we shall read of Cologne as seen from two hundred yards above the steeple. We shall read of the perpendicular lines of towns as seen from above when looking down into them as into an ornamented gorge. The lay of the land will be described as seen literally from a birds-eye view, with the rivers like waving ribbons, and the roads like stripes over the land.

Even then the student may turn back as now to refresh his spirit with Coryat's *Crudities*, Montfaucon's *Travels*, and Howell's *Familiar Letters*.

LOUISE COLLIER WILLCOX.

MUSIC AND DRAMA

SIGNIFICANT HAPPENINGS OF THE MONTH

Charpentier's New Opera, "Julien," at the Metropolitan—Some Outstanding Characteristics of a Singular Work.

BY LAWRENCE GILMAN

RANDOM generalizations concerning art are treacherous and full of peril; yet we shall venture this (which we shall put, discreetly, in an interrogative form): Why is it that music, of all arts the one that is pre-eminently fitted to utter the unutterable, the art which is beyond all others the tongue of the inward life—why is it that this great and subtle and incomparably eloquent art is so often ineffectual, so often an awkward stammerer, when it strives to discourse of what poets and rhetoricians like to speak of as "The Ideal"? Of all the symphonic poems of Liszt, the weakest of that horizon-making series is "Die Ideale." How tedious is the long address of Hans Sachs in the last act of "Die Meistersinger" in which the cobbler-poet, whose speech elsewhere is golden, harangues the populace concerning the ideal uses of art! How commonplace is the melody which Beethoven has invented to set forth the sublime conception underlying the final movement of the Choral Symphony!—a melody which should have been nobly ecstatic, of a high and august beauty, but which yields, instead, only an impression of smug and bourgeois piety, as cheerfully banal and unexalted as any of the lesser inspirations of the hymn-book. And how suddenly the eloquence of Richard Strauss ceases and determines when, in the concluding section of his "Tod und Verklärung," he would denote the soul's attainment of its ideal! It may be reported that Herr Strauss, being wickedly intent upon making a living out of his art—a most reprehensible purpose on the part of a composer, though

poets and painters and novelists and sculptors and architects may pursue it without accusation of turpitude—could naturally not be expected to succeed in dealing with The Ideal as an expressional motive. But that does not precisely fit Beethoven's case, or Liszt's, or Wagner's. The inquisitive music-lover will not find it difficult to extend our inquiry, which we cannot here pursue further; we have suggested it merely as a preface to a few remarks concerning a current and conspicuous example of the thing we have been speaking of—namely, M. Gustave Charpentier and his "poème lyrique" (as he calls it), "Julien."

"Julien," which the Metropolitan Opera House has just added to its repertoire, has been widely talked of as a kind of sequel to "Louise." It is nothing of the sort. Save that the two leading characters are named Julien and Louise, and that they are lovers, and that Julien is a poet, this opera is no more a sequel to "Louise" than it is a sequel to "Les Huguenots." It is really an elaboration of an earlier work of Charpentier's, a "symphony-drama" called "La Vie du Poète," a title which is identical with the sub-title of "Julien." The score of this earlier work is not accessible; but it is said that in concocting "Julien" Charpentier has helped himself liberally to the music of "La Vie du Poète," and that the "symphony-drama" of 1892 constitutes more than one-half of the "poème lyrique" of 1913.

In "Julien," Charpentier is again his own librettist, as he was in "Louise." It is not easy to see how the admirable dramatist of "Louise" can have supposed that the rambling, confused, inchoate allegory which he has contrived for "Julien" was fit matter for the stage. We are free to confess that we do not know what it is all about. Charpentier tells us that he has tried to show us "an artist passionately taken with an ideal, and continually in collision with the realities of existence." A great theme, indisputably; and if Charpentier had translated it into terms of the drama we might have had from him a powerful and moving work. But "Julien" is void of drama.

Julien, a poet, dreams a dream. In this dream we see him worshiping in the Temple of Beauty, with Louise at his side; repulsing a lovable Slovak peasant-girl who offers to assuage his dejection; ministered to by his grandmother, and cursing God on a storm-tossed seacoast in Brittany;

carousing in a Montmartre carnival, consorting with a drunken prostitute, and finally dying at her feet.

That is all that emerges to the sense of the casual observer. To learn more, one must study carefully the printed text of the libretto; and here again one is baffled, for the text itself requires interpretation. There is much talk of *The Ideal*, of the poet's dedication to it, of his falling away from it, of his frustration. In sum, the drama (though it is absurd to call it that) exhibits to us the progressive deterioration of an artist who has consecrated himself to the worship of *The Ideal* and to the uplifting of humanity through its application. His downward course is shown through various stages of decline—from "Enthusiasm" (Charpentier has characterized each of the four acts of his libretto), through "Doubt" and "Impotence," to final "Intoxication." Just why he deteriorates in this deplorable manner is not made clear—least of all by the allegorist himself. Some say that it is because of *Pride* and *Reason*; others say that it is because of "sensuality."

Three scenes of this piece, Charpentier tells us, are dream pictures, and five are supposed to represent actual occurrences. "The only real difference between one kind and the other is found in the proportion in which the real and the marvelous have been mixed. Thus have I tried to set forth, just as I did in the second act of '*Louise*,' what our daily life presents incessantly in the way of mysterious suggestions, of strange surprises, of peculiar forebodings. Save in the prologue, entitled '*Louise*,' the various figures surrounding Julien are external manifestations of his state of mind rather than real, living beings. Some of them are nothing more than reflections, vitalized for the moment, of an aspiration, a regret, a weakness, a recollection. Others assume more lifelike form, moving and acting, as it were, according to human laws. But the spectator has seen them taking shape in the imagination of the protagonist—the one hero of the drama, to be quite literal—and he will grasp the fact easily that in reality they dominate, after the manner of superior instincts, a plot to which they apparently submit—a plot which is nothing more nor less than a symbolical exposition of the story of the inner life."

But this does not help us in the least. It is almost impossible to distinguish the allegorical from the real, the "dream-pictures" from the "actual occurrences," so obscure are

Charpentier's intentions; so that the hearer and spectator is left dangling helplessly in the air between the Temple of Beauty and the coast of Brittany, not knowing whether he is to be caught up into a dreamer's paradise or dropped upon an actual firmament.

There is far too much of vague and flaccid fantasy in this curious concoction of Charpentier's, too much that is aimless, incoherent, vacuously rhapsodic. Witnessing it, one echoes that supplication of him who was both poet and thinker: "More brain, O Lord, more brain!" Charpentier never comes to grips with his subject—for we do not, of course, dispute the dignity and importance of his theme. He approaches it as a sentimentalist and rhetorician, not as a tragic comedian; and one remembers uneasily what Matthew Arnold said long ago of the incapacity of the French genius for "seriousness in the higher sense, for what Virgil called *virtus verusque labor*." This is not surprising. What is surprising is the absence in Charpentier of the familiarly extolled French "clarity," the French "logic," the French "precision."

A greater composer than Charpentier might have redeemed this murky and futile allegory by music of transfiguring passion, of uplifting beauty. But Charpentier has been unequal to such an achievement. He was never more than a second-rate music-maker, at best; and who shall say that he was not, in this case, handicapped by that strange blight which, as we noted at the start, falls, seemingly, upon so many of those composers who would discourse in tones of Idealism and The Ideal? Yet there is much in his libretto which might have stirred noble and ecstatic music in a master of inspired utterance. The composer of "Parsifal" might have made the temple of Beauty resound with (in Swinburne's magnificent phrase) "the sound of swords and harps in heaven."

The production of the work at the Metropolitan is remarkable for splendor of setting, for general adequacy and fitness. It would be excessively generous to say that Mr. Caruso is happily cast as the self-torturing, Hamlet-like Julien. It is a rôle from which Jean de Reszke might have evolved an unforgettable creation; but the character lies beyond the range of Mr. Caruso's expressional ability—he was not cut out by Nature for rôles of this type. Yet he puts much sincerity into it, he releases much emotional energy,

and he sings the music very beautifully. Miss Farrar's assumption of her widely dissimilar quintet of rôles—Louise, Beauty, the Young Girl, the Grandmother, the Grisette—is an astonishing *tour de force*. She characterizes each part sharply and vividly, with rare histrionic skill; and as the Young Girl of the second act, whom she discloses as an apparition of enamoring sweetness, she is delightful beyond measure; Miss Farrar has never done anything so reposeful, so finely restrained, so hauntingly lovely, as this exquisite impersonation. Though there are more than a score of other characters in the piece, they count, individually, for very little; Mr. Caruso and Miss Farrar sustain most of the interpretative burden—saving the chorus, which plays a large and significant part in developing Charpentier's conception.

When all is said, we are far from being insensible to a certain pathos that is implicit in this elaborate and disappointing work—the pathos that envelopes all those who love with passion beautiful things; who try to speak, however haltingly, however brokenly, of those mysteries which are beyond speech; who are dreamers of dreams; who have seen, and cannot forget; yet who are not without consolation: for they know that “there will come a time when it shall be light, and man shall awaken from his lofty dreams, and find his dreams still there, and that nothing has gone save his sleep.”

LAWRENCE GILMAN.

THE BOOK OF THE MONTH¹

BY F. M. COLBY

FOR some years past we have turned to a certain brilliant group of English writers whenever we wished to be excited or amused on the subject of politics in general. Our own country has raised each year a fair crop of scholarly plodders, single-thought enthusiasts, muckrakers, and system-worshippers, and I suppose one might have found in them just as many ideas as in the writings of Shaw, Wells, Belloc, Chesterton, Kettle, Wallas, and a dozen others, if one had cared to look for them. Sheer ideas, naked or badly clothed, are, I presume, as plentiful in the political writings of this country as of any other. But an idea *plus* an ingratiating personality is rarely to be found in an American book on a political subject. It has often struck me as very strange that American political thought was so seldom accompanied by any signs of literary animation. As a citizen I am afraid of an American anarchist, lest (by a grim irony) he may mistake me for a prosperous person and blow me to pieces. As a reviewer I am afraid of him for the precisely opposite reason—namely, lest he may induce in me a peaceful, natural sleep. The heat of our political passions cools unaccountably between book covers. Hence terms expressive of quite violent political actualities often come to the mind laden, as you may say, with drowsy associations. I am perfectly aware, for example, that Referendum is not the name of a new coal-tar product, of which two powders taken at bedtime are a sure thing, and better for you than your whisky and water. On the contrary, I know it for a very lively matter over which heads have been cracked and may still be cracking. I can even imagine places and circumstances in which I myself might perish nobly, fighting for the

¹ *A Preface to Politics.* By Walter Lippmann. Mitchell Kennerley. New York, 1913.

Referendum or against it. But the word is full of that narcotic reminiscence, from the constant humming of the pros and cons.

Now comes Mr. Walter Lippmann's *Preface to Politics*, concerned with the same themes, traversing the same ground, as many others, and yet with the breath of life in it. Therein lies its value; not in any specific rules of guidance. He says he has attempted to "sketch an attitude toward statecraft."

I have tried to suggest an approach, to illustrate it concretely, to prepare a point of view. In selecting for the title *A Preface to Politics*, I have wished to stamp upon the whole book my own sense that it is a beginning and not a conclusion. I have wished to emphasize that there is nothing in this book which can be drafted into a legislative proposal and presented to the legislature the day after to-morrow. It was not written with the notion that these pages would contain an adequate exposition of modern political method. Much less was it written to further a concrete programme. There are, I hope, no assumptions put forward as dogmas.

His illustrations are very concrete indeed, and taken from the news of the day before yesterday, and they are manifestly tinged with his own prepossessions and prejudices. The good and bad personages in public life are distinguished very swiftly and despatched in a telling phrase or two. He hates all "routineers," for example. By routineers, he means the people who follow precedent and never create one, who go on winding the red tape that they find, who think that the "heaven above them is nothing but the roof." Senator Lodge is a sad example of the routineer. No new perception of popular need will ever dawn on Senator Lodge, he says, and his "manners have that immobility which comes from too much gazing at bad statues of dead statesmen." He hates also the typical university professor and takes as an "extreme example" Dr. Nicholas Murray Butler, who in

the space of six months wrote an impassioned defense of "constitutional government," beginning with the question, "Why is it that in the United States the words politics and politician have associations that are chiefly of evil omen?" and then to make irony complete, proceeded at the New York State Republican Convention to do the jobbery of Boss Barnes. What is there left but to gasp and wonder whether the words of the intellect have anything to do with the facts of life?

Taft also was an utter routineer, who even denied himself the leadership of which he was capable lest it might interfere with the automatic running and the "balance" of the

Government. Roosevelt, on the other hand, is a type of the genuine political inventor.

The hostility against men like Roosevelt, La Follette, Bryan, Lloyd-George, is enough to make an observer believe that the rich of to-day are as stupid as the nobles of France before the Revolution. . . . Statesmanship would go out to meet a crisis before it had become acute. The thing it would emphatically not do is to dam up an insurgent current until it overflowed the countryside. . . . When Roosevelt formed the Progressive Party on a platform of social reform he crystallized a deep unrest, brought it out of the cellars of resentment into the agora of political discussion. He performed the real task of a leader—a task which has essentially two dimensions. By becoming part of the dynamics of unrest he gathered a power of effectiveness: by formulating a programme for insurgency he translated it into terms of public service.

Bryan has been a voice crying in the wilderness, but unable to understand his own message, a prophet without power of self-criticism. "No bracing critical atmosphere plays about his mind; there are no cleansing doubts and fruitful alternatives." He merely expresses "confused emotion."

Roosevelt has seemed to me the most effective, the most nearly complete; Bryan I have ventured to class with the men who, though important to politics, should never hold high executive office; Wilson, less complete than Roosevelt, is worthy of our deepest interest because his judgment is subtle where Roosevelt's is crude. He is a foretaste of a more advanced statesmanship.

Because he is self-conscious, Wilson has been able to see the problem that any finely adapted statecraft must meet. It is a problem that would hardly occur to an old-fashioned politician: "Though he [the statesman] cannot himself keep the life of the nation as a whole in his mind, he can at least make sure that he is taking counsel with those who know." . . . To think of the whole nation: surely the task of statesmanship is more difficult to-day than ever before in history. In the face of a clotted intricacy in the subject-matter of politics, improvements in knowledge seem meager indeed. The distance between what we know and what we need to know appears to be greater than ever. Plato and Aristotle thought in terms of ten thousand homogeneous villagers; we have to think in terms of a hundred million people of all races and all traditions, crossbred and inbred, subject to climates they have never lived in before, plumped down on a continent in the midst of a strange civilization.

From these citations it may appear that he has merely applied to politics the methods of literary impressionism, and there is, I admit, a good deal of mental slap-dash to be found in the volume from first to last. He has, for example, swallowed whole and not digested too many of the "visions" of Mr. H. G. Wells. And he is apt to describe as "dynamic"—a word of which he is inordinately fond—instances of mere verbal jumpiness, as when Mr. G. K.

Chesterton makes a sentence end in a manner not expected by the readers of the London *Sketch*, and then says it is a paradox emerging from the hidden wells of truth. He has read too much of the hop-skip-and-jump fellows, and his style is too streaked with their enormous generalities.

Yet it is true that "our political thinking needs the infusion of contemporary insights," needs also the vivacities and vagaries of the literary mind, and it is a pleasant thing to see a literary man going into politics with all his sins upon him. It is an unwonted spectacle in this country where we are accustomed to see, rather, the process reversed—politics going into the literary man. Mr. Lippmann has proven that a writer even after becoming political may remain ingenious, witty, fanciful, and personally distinguishable from the material he has consumed. He is "unsafe," of course, in all "practical" senses. I suppose he would make an abominable alderman. That, however, is beside the question, for he is not trying to lead the mind to any particular point, but merely to set it in motion, for he has seen that the danger of American political discussion was not so much that it made one think wrongly as that it did not make one think at all.

It has been assumed in this country that politics are a very jealous god. We have taken it as a sign that a man was fit for them merely because he was fit for nothing else. A British writer recently complained that Parliament contained only lawyers and politicians and was impervious to any new idea. Yet from our point of view the personnel of the British Government has by contrast seemed astounding in its variety. Every sort of unpractical creature, from a mousy old classical scholar to the lightest possible literary character, has found its way into it and has often remained there without disgrace. And of men distinguished for other things than legal, political, or business abilities, one could mention in a short interval names like Salisbury, Balfour, Morley, Bryce, Lecky, Curzon, Dilke, Rosebery, McCarthy, and a dozen others. During the same period in this country we should very likely, after naming with some confidence John Hay and Theodore Roosevelt, have had to stammer with a painful blush the name of Ignatius Donnelly. Present comparisons would be almost equally odious, but there is no need of going further in so plain a matter as our disadvantage in political discussion. The champions of our bad

causes have added insult to injury by advocating them in language even worse. If it is true, as Chateaubriand said, that a couple of phrases will always intoxicate a Frenchman, they are at least good phrases as a rule. We generally do our tipping on the bad ones.

Behold a republic resting securely upon the foundation stones quarried from the mountains of eternal truth. . . . Behold a republic proclaiming to the world the doctrine of equality. Behold a republic in which civil and religious liberty stimulate all to earnest endeavor. . . . Behold a republic standing erect while empires are bowed down. Behold a republic increasing in population.

You may not like to think it, but that was a very powerful bit of political writing in its day.

For these reasons the present volume seems by contrast a remarkable achievement, and its writer should be praised first of all on grounds that may seem rather negative. He has not written of American politics in the customary manner, through the nose. The above citations hardly do justice to the spirit of his work. His main contentions are that,

instead of tabooing our impulses, we must redirect them. Instead of trying to crush badness, we must turn the power behind it to good account. The assumption is that every lust is capable of some civilized expression. . . . Politics is not concerned with prescribing the ultimate qualities of life. When it tries to do so by sumptuary legislation, nothing but mischief is invoked. Its business is to provide opportunities, not to announce ultimate values; to remove oppressive evil and to invent new resources of enjoyment. With the enjoyment itself it can have no concern. That must be lived by each individual. In a sense the politician can never know his own success, but it is registered in men's inner lives, and is largely incommunicable. An increasing harvest of rich personalities is the social reward of fine statesmanship, but rich personalities are free growths in a cordial environment. They cannot be cast in molds or shaped by law. There is no need, therefore, to generate dialectical disputes about the final goal of politics. No definition can be just—too precise a one can only deceive us into thinking that our definition is true. Call ultimate values by any convenient name, it is of slight importance which you choose. If only men can keep their minds freed from formalism, idol worship, fixed ideas, and exalted abstractions, politicians need not worry about the language in which the end of our striving is expressed. For with the removal of distracting idols, men's experience becomes the center of thought. And if we think in terms of men, find out what really bothers them, seek to supply what they really want, hold only their experience sacred, we shall find our sanction obvious and unchallenged.

Elsewhere he puts the matter more concretely:

When politics revolves mechanically it ceases to use the real energies of a nation. Government is then at once irrelevant and mischievous—mere

obstructive nuisance. Not long ago a prominent Senator remarked that he didn't know much about the country, because he had spent the last few months in Washington. It was a profound utterance, as any one can testify who reads, let us say, the *Congressional Record*. For that document, though replete with language, is singularly unacquainted with the voices that agitate the nation.

He believes that political thinking takes too little account of human diversity; that the *politikon zöon*, or "sober, safe, thinking citizen" of current discussion is an abstraction, quite on a par with the "economic man" of the Manchester school; that reformers look for salvation by the mere substitution of one bit of mechanism for another; that political leadership involves experiment; that the fear of violating the Constitution is not the beginning of wisdom; that political issues should correspond to the actual issues that divide men. His book is an attempt to find a philosophic basis, or, if you prefer, an excuse, for the continuous expansion and renovation of political machinery in response to the changes in society. In short, he believes what several millions of his fellow-countrymen believe; but when it comes to the expression of his beliefs and the application of them the difference between him and the usual political writer or leading citizen is enormous. Apart from a very humane and reasonable criticism of the Report of the Chicago Vice Commission, he does not try to set people right on any of the actual political questions of the moment. He accomplishes the more difficult feat of putting them in the mood for inquiry. And I think this justifies him, although he is manifestly afflicted with the kinetomania of progress-worship of his day, and believes that Christianity and almost every other old thing are "failures."

F. M. COLBY.



NEW BOOKS REVIEWED

THE REFORMATION IN GERMANY. By HENRY C. VEDDER. New York: The Macmillan Company, 1914.

The feature of Professor Vedder's book which distinguishes it from earlier stories of the Reformation is its attempt to treat the subject from an economic point of view, or at least to recognize fully the part played by economic forces in the evolution of the movement. Of course, no more than in the case of slavery and the Civil War, is it possible to deny large efficacy to the moral and theological factors of the Reformation, and the historian is led by a sort of irresistible attraction to attribute, in terms, the greatest influence to the views and character of Luther, even when these terms require almost immediate qualification. "Luther," writes Professor Vedder, "bestrode Europe like a Colossus, dwarfing all men of his time, because of what he was, while Charles V. played a great part in the history of the age mainly because of what he had inherited. We have outgrown Carlyle's 'great man' theory of history, but it is still mankind's unconscious tribute to the greatness of Luther that, though in reality but a chip upon the current of events, he so stamped his personality on the men of his time and has so dominated the imagination of generations following, that most men still think and speak of him as the creator of the Reformation." What Professor Vedder gives us, in effect, is a new Luther—a Luther conditioned by social, economic, and political conditions, a reformer led by opportunity and forced on by events, yet much resembling the traditional Luther in the power which he personally exerted at critical points. His activities are shown in a framework of world politics; less clearly are emphasized the remoter economic influences of the time, for next to Luther's character and theological views, the ups and downs of the political game inevitably take precedence.

The book's prime excellence seems to lie, however, in the author's power of interpreting character, and in the deftness with which he traces the progress of an idea, whether in an individual or in society. Luther, as portrayed by him, is a living personality; and if the absence of hero-worship disappoints us, Professor Vedder's psychological tact gives more than due compensation in human interest. Again, the real issues of the early theological controversies are kept before us with surprising clearness, and the disputations of Luther with his adversaries become for us, when we remember their ultimate political significance, almost as exciting as the Lincoln-Douglas debates. The growth of the Church's doctrine of indulgences is

traced in such a manner as to retain the warmth of human plausibility in it, and the same power to keep blood circulating in abstract thought is shown in the discussion of the reformation as related to the revival of learning. The vital mixture, during the earlier period, of these two tendencies in men's minds is strongly felt, while, by accurate distinctions between them we are prepared for the eventual separation of the Humanists and Luther's quarrel with Erasmus.

Of the influences conditioning Luther's career only a brief résumé can be given. Professor Vedder lays stress upon the power of the printing-press—a force already well in operation at the beginning of the Reformation—and thinks that the anecdote of Luther's discovering the Bible relatively late in his career, though very likely true, is far from proving a general, profound ignorance of the Scriptures. A characteristic of the times that has to be taken into account along with the widespread revolt against intellectual authority is the growth of national spirit during the sixteenth century—a spirit which in the time of Charlemagne and Otho and the Holy Roman Empire would have been “unnatural and ruinous,” since it would have made the divided and mutually hostile Christian states an easy prey to the Moslems and Hungarians. As it was, the more or less imminent threat of Turkish invasion had its effect in determining the course of the Reformation. The new movement in the Church thus followed the political movement of Europe toward national growth, and the resistance against the Popes was strengthened by the fact that they had come to be recognized as the representatives of Italian unity, while their claims of tribute and tithes seemed like the laying of a tax upon Germans for the benefit of Italians. Of the demands made by the Protestants at the Augsburg Diet, which included “the Lord's Supper in both kinds, the marriage of the clergy, the omission of the canon in the mass, and the retaining of the confiscated Church property,” the author calls the last the crux of the whole situation. To the free cities and to the spirit of the trade guilds in them, he attributes a large influence, though he points out that the movement started at Lübeck for the union of the maritime towns of the Baltic with the commercial cities of southern Germany, came a century too late, at a time when the opening of new trade routes had changed the direction of commerce. Of course, at all times the Emperor Charles V., however blind he may have been to theological distinctions, was aware of the political bearings of the controversy and helped to convert it into a political and economic struggle.

On the whole, while the author does full justice to the Reformation as “an unspeakable religious conviction struggling to speak itself,” he leads us to see the work of the reformers in the light of those opportunities, which at once led them on and limited their action. Their inconsistencies and mistakes seem explicable reactions on the part of men confronted not merely by theories, but by conditions as well. In Professor Vedder's narrative it is sometimes difficult to see the bearing of strictly economic causes through the shifting of political and personal motives; but his attempt to describe such a complex phenomenon as the Reformation, not from one point of view exclusively, but from all, turns out to be remarkably successful. Moreover, he fully succeeds in his avowed attempt to write a readable book. His accounts of political persons and events are racy within the limits imposed by accuracy and decorum, and always he expresses himself with an ease and pleasantness seldom found in historical writing nowadays.

THE AMERICAN DOCTRINE OF JUDICIAL SUPREMACY. By CHARLES GROVE HAINES. New York: The Macmillan Company, 1914.

Strictly uncontroversial in tone, Professor Haines's sober résumé of historic facts and opinions, relating to the time-honored doctrine that American courts may declare laws invalid, will be of real use to those who are desirous of forming an impartial opinion upon a much-debated question. Historically the point at issue is whether the practice of judicial supremacy is the result of logical development or of usurpation. Reviewing a long series of Colonial, State, and Federal precedents, Professor Haines concludes that the theory of judicial usurpation cannot be successfully maintained. Although no weight can be attached to the contention that the mere fact of the Constitution's being in writing necessarily sets up the judiciary as its guardian and interpreter, it seems clear, nevertheless, that neither the makers of the Constitution nor the members of either political party subsequent to its adoption really doubted that such power was conferred upon the courts.

That the point should have been taken for granted on all sides is shown to be natural in view of previous familiarity with applications of Coke's principle of judicial supremacy, of the principle of an "overruling law of nature," and of fundamental principles embodied in the great English charters of liberties. "Although there are but few cases recorded in which Colonial courts refused to enforce laws because repugnant to their charter or the laws of England, a reasonable interpretation of the evidence available appears to favor the view that restraints upon Colonial legislatures were enforced by the English courts of last resort, and in exceptional cases by Colonial courts." Although it is possible to exaggerate the influence of such precedents, still there can be little doubt of the general familiarity of the colonists with the principle implied in them, since "the colonies, organized originally under charters granted to trading companies, were accustomed to have these charters construed, and to have the corporation acts set aside as *ultra vires* through ordinary judicial process." As to the sentiment of the members of the Philadelphia Convention, the author gives prominence to the views of Professor Beard, who, as the result of detailed analysis, has reached the conclusion that the members of the Convention must have been fully aware that most of the leading members regarded the nullification of unconstitutional laws as a normal function. A further argument is drawn from the reception of the Kentucky and Virginia Resolutions in 1798. The fact that when these were submitted to the legislatures of the various States, those of the Northern States in effect asserted the principle of judicial nullification, while the legislatures of the Southern States took no action, is regarded as a practical indorsement of that principle at a time when the Federal courts as yet hesitated to affirm it. And, in fact, the course of history seems to make it difficult to maintain that Marshall in his famous opinion on the case of *Marbury v. Madison* did more than formulate and announce a principle already generally understood and accepted.

In this case, as in so many others, the historic method teaches us the folly of dogmatic assertion, revealing the series of gradual and almost imperceptible stages that usually lead up to the changes which seem at first sight sudden and violent. To follow the evolution of the doctrine of judicial supremacy under Professor Haines's guidance, through a series of

interesting cases is an agreeable mental exercise, and it is hard to resist the conclusion that this evolution was perfectly natural, if not inevitable. But an evolution, however legitimate in its origin and logical in its course, may eventually go too far, thus losing its adaptability to the conditions surrounding it. That there has been in recent times a marked and unforeseen increase in the scope of judicial review, the author shows by a second series of cases, and to these are joined criticisms of the doctrine of judicial supremacy by justices, labor leaders, Socialists, and others. In the end, Professor Haines leaves the whole question open, merely drawing from his review of the facts the suggestion that "a restriction of the realm within which laws may be invalidated, an easier method of changing the fundamental law, and a less hostile attitude on the part of lawyers and judges toward legislative innovations will remove the chief ground of complaint against the judiciary with respect to what is termed judicial legislation."

CRIMINOLOGY. By BARON RAFFAELLE GAROFALO. Boston: Little, Brown & Company, 1913.

In urging that "the dominant theory and the judicial law which has conformed itself thereto seems to exist for the purpose of protecting the criminal against society rather than society against the criminal," Baron Garofalo expresses concisely the ground of a considerable and growing discontent with criminal law and procedure. What is needed, however, is, in his estimation, not merely greater severity, "effectiveness," or simplicity, but a principle that will enable us to distinguish the real criminal from the mere lawbreaker. Nobody doubts that the real criminal—the man devoid of moral sense and incapable of adaptation to civilized society—exists. The difficulty lies in clearly and justly distinguishing the type. Here anthropology helps us but little. It is true that among extreme criminals certain physiological characteristics are more prevalent than among honest men; but there is no absolute physical difference between the two classes. If criminal anomaly be due to a flaw in the physical organism, the fundamental cause must lie in the molecular structure of body and brain, and, as the author remarks (quoting Benedikt with approval), "we are far from possessing an anatomy of molecules." Nor does Lombroso's theory of atavism carry us further; for the most that can be asserted with confidence is that "the criminal has certain regressive traits." He is *atypic* rather than *atavistic*, and his anomaly is such as cannot properly be attributed even to our remotest ancestors. Anthropology, then, merely confirms the belief of common sense that the "natural born" criminal does exist. Social statistics, as interpreted by Baron Garofalo, tend the same way, showing that economic conditions, the relative prevalence of the use of alcoholic liquors, and like influences, do but determine the form of criminal action without appreciably affecting its amount. Just as by means of hypnotism it is extremely difficult, if not impossible, to make an honest man commit a crime, so, the author contends, no man is a murderer when drunk who is incapable of murder when sober.

The fundamental necessity, therefore, is a clear and workable distinction between the "true" or "natural" criminal and the offender whose character shows no real abnormality. In endeavoring to establish such a distinction Baron Garofalo arrives at a conclusion which amounts practically to this: that every person guilty of an atrocious crime is *ipso facto* a "true"

criminal. "Not only is it impossible for a normal man to be a murderer, but it is equally impossible for him to be an incendiary, a forger, or a thief." This thesis, pressed home in a variety of ways, considered in every aspect, and illustrated by actual cases drawn from the author's experience as a magistrate, constitutes the core of his book.

Baron Garofalo's way of looking at the matter recommends itself in the first place by its consequences; viewed in a purely pragmatic light, it seems obviously right. By eliminating the true criminal promptly, society would protect itself from repetitions of crimes which invariably follow when the criminal after a period of imprisonment is allowed to go free, on the theory that he has "paid his penalty." Much would also be gained through the abandonment of impossible attempts at reformation of character. No excessive severity or shocking violation of the ordinary conceptions of justice would necessarily result from the application of Baron Garofalo's principle; for in the case of manslaughter or assault he makes it plain that the act is not to be considered criminal in the strict sense, unless the provocation that led to it is such as no normal man could possibly consider adequate. No rights would be infringed, except perhaps those of a rather academic sort. Again, since the offender devoid of moral sensibility is regarded as the criminal *per se*, the inconvenient doctrine of "moral insanity" would be completely done away with, while insane persons who commit crimes would be treated as at present. Moreover, the system of punishment proposed seems effective in principle, whatever objections may be raised as to its details. Its object in every case is either the elimination of the criminal or substantial reparation for the loss occasioned by the crime. A leading feature of the system is that it makes provision for the case of those whose misdeeds are in part the result of local conditions. Such offenders, the authors of "endemic" crimes, are to be reformed by a change of environment. For murderers, the death penalty is to be retained. "Violent criminals, instinctively disposed to bloodshed, and such habitual thieves as have been proved incapable of assimilation," are to be marooned. For criminals of a less dangerous class internment in an overseas penal colony either for life or for an indeterminate period is the punishment advocated. In the case of those whose misdeeds do not necessarily brand them as criminals in the accepted sense, reparation through forced labor is regarded as the most logical and effective mode of repression.

The author, however, is not content with basing his system upon expediency or social necessity; he seeks for a satisfactory ethical foundation. As a positivist thinker, he takes it for granted that all ethical standards are developments of certain "sentiments," such as the sentiment of pity and the sentiment of justice, and that their scope and authority are defined by the strength and diffusion of those sentiments among civilized men to-day. He who is totally lacking in the sentiment of pity is beyond the pale; not only must he be eliminated as unfit to survive, but also we are morally justified in taking his life because we cannot regard him as a fellow-being. Baron Garofalo thus, in effect, maintains two separate, or separable theses. With the first—the thesis that the primary function of the law is to protect society—few will be inclined to quarrel. The second, which practically identifies ethics with the social requirement, will hardly be accepted by moralists of other schools. None the less, the consistency of the argument, the author's willingness to conform theory to fact, and his avoidance of extremes, make it more

nearly possible to accept his teaching *in toto* than is usually the case with books upon criminology and allied subjects.

ACROSS UNKNOWN SOUTH AMERICA. By A. HENRY SAVAGE-LANDOR. Boston: Little, Brown & Company, 1913.

As a prodigious adventure, filled with endless hardships, nerve-wracking strains, and nightmarish accidents, few achievements of exploration in any part of the earth can equal Savage-Landor's journey through the wildest part of Brazil, a vast region of almost unexploited resources, which has been practically unknown even to the Brazilians themselves. Whatever the scientific importance of the expedition, it is the sheer pluck and endurance it required which impresses us most, first and last. One conceives of the strain of the journey as something like the tension of an altitude flight in an aeroplane indefinitely prolonged. Difficulties of every variety were encountered—except the much-bruited dangers from Indians and wild animals—but the greatest difficulty from first to last was the human difficulty. Suitable assistants could not be procured.

Mr. Savage-Landor struck out for the wilderness from Araguay, the southern terminus of the Mogyana Railroad, on the 3d of April, 1911, and was cut off from civilization for eighteen months. He had six followers, of whom two were, in a very relative sense, reliable men, while the remainder were criminals of a cowardly and murderous sort. The two honest men were Alcides, a German Brazilian "of a violent revolutionary temper, but extraordinarily brave," and Felipe, a pure negro, of boisterous, simple nature, whose courage shone on occasions. The four criminals conformed to the best anthropological definitions of the type, being quite insensible to any motive higher than avarice and of very limited intelligence. These imbeciles could not be restrained from uselessly shooting away ammunition like unruly children. They persisted in carrying their rifles, which, through acute fear of Indians, they kept fully cocked, horizontally over their shoulders, so that narrow escapes from accidentally discharged bullets became commonplace incidents in the life of the commander, who brought up the rear to prevent straggling. Early in the expedition, one of his men came within an ace of shooting him with the proverbial "unloaded gun," and later another made a deliberate attempt to shoot him in his tent at night. Mutinies were of frequent occurrence, involving vexatious delays; but the men's treachery and improvidence were worse than their open rebellions. They not only wasted provisions without the least regard for the future, but actually threw them away in the hope of making their leader turn back. To reason with such madmen was impossible; indeed, to induce them to do the right thing, sometimes the contrary order had to be given. Mr. Savage-Landor—who, by the way, went always entirely unarmed—seems to have been saved by an unusual combination of coolness, patience, and good luck. One thinks often of a remark he makes regarding his followers, to the effect that "few men can remain brave for long at a time."

The general direction of the journey was at first north or northwest toward the upper reaches of the Tapajos, a tributary of the Amazon. All went fairly well until the explorer reached a point about two hundred kilometers north of Serra Azul, but here he found that his men had thrown away most of the provisions, calculated to last for six or seven months, and he was

compelled to turn southwest to Diamantino. At this point he replenished his store of provisions, but failed to get even convicts to accompany him, so strong was the fear of the really harmless and almost non-existent Indians. Starting northward, with only four men now, he reached the left bank of the Arinos River at Porto Velho, where he became possessed of a huge dug-out, forty-two feet in length and weighing well over two thousand pounds, considerably warped, and badly cracked in the bottom. In this uncontrollable craft he and his men descended the diabolical river through a succession of perils rendered none the less severe by the perversity of that skilled navigator, Alcides, who insisted on always steering through white water in the rapids and into the heart of every whirlpool. On the way, Mr. Savage-Landor picked up two escaped slaves—men of much the same caliber as his original followers—who vowed to kill themselves unless they were taken along. Down the Arinos and Juruena the party struggled, reaching eventually the mouth of the Tres Barras or San Manoel. Here at the *Colectoría* of S. Manoel, they remained three days, after which an effort was made to cross to the Madeira. The men, however, again performed their pleasant little trick of throwing away food; many of them became sick, and it was impossible for all to proceed. Mr. Savage-Landor with two followers set out for the Madeira. Game was scarce; his cartridges became useless through moisture, and the wild manioc which he and his men attempted to eat proved poisonous. For sixteen days the three were without food. At length, arriving in a state of exhaustion near the mouth of one of the Madeira's tributaries, they constructed a raft, which, because Brazilian wood will not float, had to be buoyed up on nine glass demijohns found in a deserted hut. Just as the "glass raft" was on the point of sinking, the party was rescued by a trading expedition. With his new friends, the explorer went up the Canuma and Secundury rivers, and then striking across country by compass, reached the point where he had left his companions. The remainder of the trip, down the Tapajos to the Amazon, was made upon a trader's boat and eventually upon a steamer. After this all that remained of the adventurous part of the author's travels was a dash up the Madeira in a launch, to the rescue of the negro Felipe, who had been left near the mouth of the Canuma in charge of valuable baggage. Such in brief outline was Savage-Landor's journey across Brazil, a journey that reminds us in some respects of the experiences of the early Spanish explorers, rather than of anything in the twentieth century.

Brazil, the author recalls to us, is larger in extent than the United States, Germany, Greece, Portugal, and Montenegro combined. To his mind it is a country of great promise, especially rich in the best kind of pasture-land. Its mineral wealth is incalculable, and in its forests is much valuable wood, though many of the Brazilian woods, he warns us, are entirely useless. This great territory, he has proved, is perfectly permeable and inhabitable: Europeans, he thinks, ought to flock to it. Of pure-blooded Indians he estimates that there are not in the region he traversed more than a few hundred, and if every shade of half-breed be counted, no more than a thousand or two. The explorer, despite all hampering circumstances, carried away a surprising amount of information of all kinds. He took the elevation of every important point, including minor undulations, mapped the course of the Arinos and Juruena rivers, and corrected gross errors of previous maps. In addition, he studied the course of the Tapajos, and that of the Amazon from its mouth to its birthplace in the Andes.

He recorded interesting observations regarding the various tribes of Indians—whom he found to be of a markedly Malayan or Papuan type—and made partial vocabularies of their languages. Unfortunately his geological and botanical collections had to be abandoned, and two interesting fossils were lost through the treachery of his followers. But he saved his notes and his photographs, and through them has thrown open a new and wonderful region to the imagination and understanding of the civilized world.

THE FLIGHT AND OTHER POEMS. By GEORGE EDWARD WOODBERRY. New York: The Macmillan Company, 1914.

Mr. Woodberry's poems win distinction through an undeniable strength and sincerity of feeling, and through a greater breadth and truth of imaginative thought than is common in contemporary verse. The poet handles English vigorously and like an accustomed tool, but too often he seems to handle it prose-fashion. There is more of the sense of struggle for expression, one thinks, than should be, and seldom or never is found in one line or stanza the combination of glowing image conquering thought and natural utterance that makes poetry *par excellence*. Now and then the poet's ear seems to betray him into unpleasing quantitative effects, as in the following lines:

There Carthage led her navied host,
 Passing the desert solemn;
 And nigher rose on that sparse coast
 Rome's eagle-bearing column—

in which the phrase "on that sparse coast" is, by reason of the friction of its consonants, difficult to utter in the metrical time. Such inversions as "the desert solemn," with a certain effect of sing-song, are rather commoner than one likes, and indeed the poet seems comparatively indifferent to the musical side of his art. Even poor lines, however, are dignified by real thought, and if the tool slips it slips in the intended groove. Such lines as—

The nerves are the burning current
 Of the universe aglow,

and—

—straightest into every heart
 Winds the old path of beauty—

are in the manner of great poetry and really memorable.

Mr. Woodberry's fundamental idea is the continuity of life through all the ages, underlying all creeds and human manifestations. Reading through his volume, one feels a strong pulse of feeling and sees many visions. If we feel that the verses lack the final charm of utterance and the supreme power of giving reality to the unseen; if they impress us rather as poetic discourse, or as more or less adequate discourse about poetic things, than as poetry itself—this is merely to deny them genius.

LETTERS TO THE EDITOR

CONTRARY VIEWS

BOOTHBAY HARBOR, MAINE.

SIR,—As a citizen of the United States, for myself and for the thousands of fellow-citizens who will read with hearty approval the February REVIEW, and make no sign, I venture to offer well-deserved thanks, especially for your “Diplomats of Democracy.” I do not despair of the Republic. It is safe while defended by an honest, fearless, and independent press.

Seventy-seven years of life, four of which were given to assist in the preservation of the nation, gives me both the right and ability to recognize and greet a comrade, whether he serves with the sword or the mightier weapon. Even superlatives are too weak to express my intense satisfaction with your articles. Every statement is a granite block, square and fitted, secured by a copper bolt, headed on the inside.

GEORGE B. KENNISTON.

MANCHESTER, N. H.

SIR,—Thank you for a most delicious half-hour spent in reading “Mr. Bryan Rides Behind.” I cannot recall enjoying anything of a political sort more in a long time. Disagreeing with you on almost every partisan question, I have, nevertheless, long enjoyed your comment, first in the *Weekly*, and more recently in the REVIEW, but I have never found anything you have written more delightful than this latest effort of yours.

Your previous contribution on “Brother Pindell” was execrably facile, but you quite surpass yourself in your handling of Bryan as Secretary of State. I presume you agree with most of us who hold that Wilson has very shrewdly disposed of Bryan, as a political menace in the future, by supplying the opportunity for him to disclose his ineptness for public responsibility. This may be good politics, but it is playing havoc with American prestige.

FRANK KNOX,

Editor of the Manchester Union.

RALEIGH, N. C.

SIR,—I cannot refrain from making you this suggestion: Now that the whole world is applauding the rare judgment and foresight which led you to see years ago what a great President Woodrow Wilson would make, what is the use of your now undertaking the vain task of trying to make everybody think that you were wrong then?

Five or six years ago mighty few people agreed with you in thinking

Woodrow Wilson the greatest man the Democrats could name for the Presidency, but an even smaller number agree with you now in a contrary opinion.

I must simply relieve my mind by making these observations.

CLARENCE POE,
Editor of the Progressive Farmer.

PHILADELPHIA.

SIR,—Permit me to present my warmest felicitations on your splendid editorial on Mr. Bryan—such exquisite, delicious irony, such penetration, such gentle, persuasive, delightful approbation, such searching, truthful, and just comment mark it as one of the gems in our current literature.

GEORGE W. OCHS,
Editor of the Public Ledger.

FROM EX-GOVERNOR PENNYPACKER

HARRISBURG, PA.

SIR,—In the language of my Quaker forefathers the spirit moves me to write to you to indicate my appreciation of the literary art and excellence shown in your recent article upon Mr. Bryan. Its railery is the more effective because its tone is gentle and delicate. I am not sure, however, that its motive has given me as much pleasure as its skill in construction, since it seems to me that the shafts directed against an untrained Secretary of State had better be turned toward the President who selected him. Perhaps you will pardon me for saying that it has long been a source of wonder to me that an adept like yourself should be able to find anything admirable in the literary compositions of Mr. Wilson, whose efforts always disclose a mind of desultory growth unable to grasp the English language.

SAMUEL W. PENNYPACKER.

NEW YORK CENTRAL FINANCES

NOTE BY THE EDITOR.—The January number of THE REVIEW contained an article by Mr. W. Jett Lauck on "The Plight of the Railroads," in which appeared the following assertion: "It is a matter of official record that when the two railroads which formed the nucleus of one of the largest trunk-lines of the country (obviously the New York Central) were combined in 1869, a stock dividend of 100 per cent., equal to \$44,428,330 in money, was declared. At a recent hearing before the Interstate Commerce Commission it was stated that a total of \$93,034,026 of stock had been floated by this company during the period 1870-1910, for which not a cent was added to the value or earning capacity of the property. A drain of \$5,535,000 annually upon the earnings of this system is necessary to pay dividends upon this fictitious capitalization." Whereupon Mr. Frank W. Stevens, Chairman of Valuation Committees of the New York Central lines, having besought elucidation from the writer, the following correspondence ensued:

FROM MR. LAUCK TO MR. STEVENS

WASHINGTON, *February 11, 1914.*

DEAR SIR,—The basis for the statements made relative to the New York

Central lines consists of the exhibits presented by Mr. E. E. Williamson in the Advance Rate Case Hearings before the Interstate Commerce Commission in 1910, and of unpublished data prepared by the former Railway Securities Commission, which are now on file at the Interstate Commerce Commission.

Briefly summarized from these data, the financial history of the New York Central and Hudson River Railroad, so far as overcapitalization, stock bonuses, and underwriting commissions are concerned, has been as follows:

1. The New York Central and Hudson River Railroad was formed by consolidation, dated December 15, 1869, of the New York Central Railroad Company and the Hudson River Railroad Company.

The total par value of the stock of the two companies entering into the consolidation was \$44,815,800. This amount was arbitrarily increased, without adding one cent to the value of the property, by an increase in the capital stocks of the consolidating companies of \$44,428,330, or, in other words, a stock dividend of practically 100 per cent. was declared.

2. Prior to this consolidation, the capitalization of the two constituent companies had been increased, at a conservative estimate, \$12,500,000 without any tangible increase in the properties. As a consequence, at the time of the consolidation in 1869, \$56,928,330 of the constituent companies did not represent any value paid in.

3. The cash dividend upon this watered stock for forty-three years, 1870-1912 inclusive, aggregates 252.75 per cent. This is equivalent to an average of \$3,364,194 per year, or a total of \$143,886,354 for the forty-three years actually paid out by the company on stock which was issued prior to or at the time of the consolidation and which did not represent any addition to the physical property of the company.

4. The above statements cover the issue of capital stock by this company up to and including the consolidation of the two constituent companies in 1869. Since that date, the capitalization of the company has been increased from \$103,110,137 to \$591,697,380 (1910). A part of this additional capitalization has been issued for cash, and a part for considerations other than cash. A considerable portion of both classes of new capitalization, however, does not represent any consideration received by the road and constitutes a drain upon its earnings without having contributed anything to its earning capacity. Briefly stated, the facts relative to these capital issues are as follows:

A. Increase of capital for cash.

1. Stock Issued 1870-1910.

During the past forty years, this railroad company has issued for cash stock to the par value of \$133,485,200. The market value based on conservative quotations, covering the different periods of its issue, was \$174,199,177.17, but the New York Central and Hudson River Railroad only received in return for this stock \$138,093,420.89 in cash. The difference between the cash received and the market value, amounting to \$36,105,756.28, represented bonuses to stockholders. If full value had been received for these various stock issues by offering the shares at public subscription, the tangible property or earning capacity of the road would have been increased by an investment of more than \$36,000,000, which is equivalent to more than thirteen per cent. of actual value of the road and equip-

ment of this transportation company. As it is, the property has been saddled with a permanent capital liability for which nothing has been received, and the earnings of the company must meet, without any addition to earning capacity, an annual interest charge which, at current rates, amounts to \$2,166,341.80.

If the value in stock issued since the consolidation of 1869, which represents no real property, be added to the watered stock which was issued prior to and at the time of the consolidation, the result is a total of \$93,034,026.82 of stock floated by this company during the period of 1870-1910 for which not a cent was added to the value or earning capacity of the railroad. The dividends issued upon this stock average \$5,530,535.80 per annum.

2. Funded Debt, 1870-1910.

During the past forty years, the funded debt of the New York Central and Hudson River Railroad has also been increased by issues of bonds and notes aggregating a par value of \$168,785,510.43. The market value of these securities, based on conservative quotations, was \$175,335,718.16, but the proceeds received by the company were only \$168,907,374.01, leaving a net loss to the company of \$6,428,344.15. This amount represents commissions and charges of underwriting or banking syndicates. If full market value had been secured for the increase in funded debt, more than \$6,000,000 could have been added to the earning capacity of the property, and an annual fixed charge, at a minimum estimate of $3\frac{1}{2}$ per cent., amounting to \$224,817, could have been saved.

B. Increase of capital for consideration other than cash.

In addition to securities sold for cash, the New York Central and Hudson River Railroad has issued since its organization \$289,426,579.68 in securities for considerations other than cash. On account of the lack of full data, it is not possible in each instance to estimate the actual return received for increases in capitalization. A number of typical instances, however, may be cited:

1. Lake Shore and Michigan Southern Railroad.

During the years 1898-1900, the New York Central and Hudson River Railroad issued 100-year Collateral Trust Bonds to the par value of \$90,578,400 in return for Lake Shore and Michigan Southern Railway capital stock to the par value of \$45,289,200, the exchange being made on the basis of \$1,000 par value of the collateral trust bonds for \$500 par value of the Lake Shore. On the basis of contemporaneous market values, the New York Central and Hudson River Railroad received only 86.59 per cent. of the collateral trust bonds, or an aggregate of \$78,436,356.48 for its total issue of \$90,578,400 in bonds. Although this has been a very prosperous investment for the New York Central, in acquiring this property it obligated itself to pay a bonus of \$12,146,463.44 more than the market value received, or, in other words, created a liability of this amount bearing interest at $3\frac{1}{2}$ per cent., which for a term of 100 years is equivalent to \$42,512,600.

2. During the years 1898-1901, control of the Michigan Central Railroad was acquired by the issue of collateral trust bonds to the par value of \$19,336,445 in return for Michigan Central stock to the par value of \$16,814,300. In terms of the contemporaneous

market value of the Michigan Central stock, the New York Central received only 90 per cent. of the par value of its collateral trust bonds, or, in other words, paid a bonus of \$1,926,918.18 bearing interest at $3\frac{1}{2}$ per cent.

It may be true, as you state, that the New York Central and Hudson River Railroad has always received more than the par value for its stock issues, but it is also true that it has not received the market values of the securities issued, the difference between the cash realized and the contemporaneous market values, of course, constituting stock bonuses and underwriting commissions.

If you should wish, I can furnish you with details as to the stock and bond issues of this company, which I have recapitulated above.

Trusting that this information will answer your question, and lead to the decision on your part that I was justified in making the statements which I did in my recent article, I am,

Yours very truly,

W. JETT LAUCK.

MR. STEVENS'S REPLY.

NEW YORK, *February 20, 1914.*

DEAR SIR,—I have received your favor of the 11th inst., and noted its contents. Its concluding sentence is, "Trusting that this information will answer your question and lead to the decision on your part that I was justified in making the statements which I did in my recent article, I am, etc. . . ."

Your article distinctly said, "At a recent hearing before the Interstate Commerce Commission it was stated that, etc. . . ." I asked you "by whom the statement was made, when, and if such statement occurs anywhere in printed form." You wholly omit to answer any one of these three inquiries, from which omission I am compelled to conclude no such statement has ever been made by any one at any hearing before the Interstate Commerce Commission. You do, however, claim that such a statement, if made, would have been true, and say, "The basis for the statements made relative to the New York Central lines consists of the Exhibits presented by Mr. E. E. Williamson in the Advance Rate Case Hearings before the Interstate Commerce Commission in 1910, and of unpublished data prepared by the former Railway Securities Commission which are now on file at the Interstate Commerce Commission." You do not say that either Mr. Williamson's exhibits or the unpublished data prepared by the Railroad Securities Commission contain any such statement as the one concerning which my inquiry was made. I know nothing about Mr. Williamson's exhibits, but what I understand to be the complete data prepared under the direction of the Railroad Securities Commission contain no such statement, nor anything justifying it. I, therefore, conclude that I am to understand you are the author of the statement and rely upon the matters named as a justification for it. If I am wrong in this conclusion, I trust you will set me right by naming the person who made the statement.

Treating you, as I think I must, as the person responsible for the statement, that and your remark that you trust the contents of your letter will lead to the decision on my part that you were justified in making such

statement, make it incumbent upon me to reply to what you have to say to avoid what might possibly be a just inference from silence, that I concur in your conclusion. The entire paragraph in which the statement in question occurs, is as follows:

Ordinary stock watering and manipulation have played an even more conspicuous part in adding to the fictitious capitalization of the railroads. It is matter of official record that when the two railroads which formed the nucleus of one of the largest trunk lines of the country were combined in 1869 a stock dividend of 100 per cent., equal to \$44,428,330 in money, was declared. At a recent hearing before the Interstate Commerce Commission it was stated that a total of \$93,034,026 of stock had been floated by this company during the period of 1870-1910, for which not a cent was added to the value or earning capacity of the property. A drain of \$5,535,000 annually upon the earnings of this system is necessary to pay dividends upon this fictitious capitalization.

In this paragraph, you speak first of the consolidation of the New York Central and the Hudson River Railroad Companies as occurring in 1869. This is correct. You also refer to the increase of capital stock of the consolidated Company over the amount of stock of the consolidating Companies and term it a stock dividend. This particular transaction has been well known ever since its occurrence, has been commented on times without number, was made the subject of legislative inquiry, and is in no respect the matter to which my inquiry was directed. You next state specifically "that a total of \$93,034,026 of stock had been floated by this Company during the period 1870-1910, for which not a cent was added to the value or earning capacity of the property."

Analyzing this statement, the period of time covered is 1870-1910. This clearly excludes the year 1869, in which the consolidation occurred and the stock dividend so called was made. You locate that transaction in one sentence as 1869, and in the very next sentence make an assertion concerning stock issued in a definitely stated subsequent period. In your letter you abandon the statement that fictitious stock was issued in the period 1870-1910 to the amount named, and your position is stated in one sentence which I quote: "As a consequence at the time of the consolidation in 1869, \$56,928,330 of the constituent companies did not represent any value paid in." There is no escape, which I can discover, from the proposition that in your article you stated this alleged fictitious capitalization occurred subsequently to 1870 and now urge in justification that in fact it, to the amount of \$56,928,330, occurred in 1869 and previously. The time is material by your making the alleged fictitious capitalization of \$93,000,000 in the period 1870-1910 additional to that which you had already stated to have occurred in 1869.

Fairly interpreted, you charged a watered capitalization of \$93,034,026 in addition to that created by the consolidation. This you now abandon as to the sum of \$56,928,330, and attempt no justification of it whatever. From this you may unquestionably conclude that I do not consider you were justified in making your statement as to this \$56,000,000, nor can I perceive the slightest excuse for it.

Passing this sum, there still remains the further sum of \$36,105,756.28 to be accounted for. As to this amount the statements in your article are (1) that it is stock; (2) that it was floated in the period 1870-1910; (3) that for it not a cent was added to the value or earning capacity of the property; (4) that a drain of \$2,166,341.80 annually upon the earnings

of the Company is necessary to pay dividends upon (5) this fictitious capitalization.

Now what are the facts as conceded by your letter? Briefly, during the period 1870-1910 the Company has issued stock to the par value of \$133,485,200 and no more, for which it received in cash \$138,093,420.89. You assert that in this issue there is fictitious stock to the amount of over \$36,000,000.

Which part of this stock is fictitious? Which part amounting to \$36,105,756.28 did not add a cent to the value or earning capacity of the property? Which part is a drain upon the earnings of the Company to the amount of \$2,166,341.80 annually to pay dividends? If there is no such part, then your statement is necessarily devoid of any semblance of truth.

You refer to the data assembled by the Railroad Securities Commission as the basis for your statement. You must have consulted its special report on the New York Central and have seen there the following figures as to dates of sale of this stock, par value, and amount realized:

YEAR	AMOUNT	PROCEEDS	PER CENT. OF PAR
1880	\$ 184,200.00	\$ 230,964.50	125.39
1893	6,000,000.00	6,000,000.00	100
1894	4,571,700.00	4,571,700.00	100
1899	15,000,000.00	15,156,194.89	101.04
1902	17,250,000.00	21,655,261.50	125.54
1906	17,192,000.00	17,192,000.00	100
1907	28,740,700.00	28,740,700.00	100
1908	449,300.00	449,300.00	100
1909	44,097,300.00	44,097,300.00	100
Total	\$133,485,200.00	\$138,093,420.89	103.45

I entertain no doubt that you obtained your figures from this report. You charge that in these issues somewhere there was an issue or issues amounting to \$36,105,756.28 "for which not a cent was added to the value or earning capacity of the property." You certainly should point out where those fictitious shares are which involve a drain upon the earnings or expect your statement to be characterized in clear though unflattering terms.

I pass now to the explanation which you offer. You say:

The market value based on conservative quotations covering the different periods of its issue was \$174,199,177.17, but the New York Central and Hudson River Railroad only received in return for this stock \$138,093,420.89 in cash. The differences between the cash received and the market value, amounting to \$36,105,756.28, represented bonuses to stockholders. If full value had been received for these various stock issues by offering the shares at public subscription, the tangible property or earning capacity of the road would have been increased by an investment of more than \$36,000,000, which is equivalent to more than 13 per cent. of the actual value of the road and equipment of this transportation Company. *As it is, the property has been saddled with a permanent capital liability for which nothing has been received, and the earnings of the Company must meet without any addition to earning capacity an annual interest charge which, at current rates, amounts to \$2,166,341.80.*

The assertions here are: (1) that the stockholders have received a bonus of \$36,105,756.28; (2) that the property has been saddled with a permanent

capital liability to that amount in excess of the amount received for the stock; (3) that nothing has been received for it; (4) that the earnings of the Company must meet, without any addition to earning capacity, an annual interest charge which at current rates amounts to \$2,166,341.80.

This would be delicious in opera bouffe; in matters of cold business it is grotesque. Nevertheless, I will proceed to call your attention to the facts and let you deal with them as best you may.

Assertion 1. The stockholders have received a bonus of \$36,105,756.28.

The fact. The stockholders paid \$138,093,420.89 in cash for stock of a par value of \$133,485,200, a premium of 3.45 per cent. To-day the stock is selling at 89, which makes the market value \$118,801,828. They paid \$138,093,420.89, and hence have suffered at present selling rates a net loss of \$19,291,592.89.

Assertion 2. That the property has been saddled with a permanent capital liability of \$36,105,756.28 in addition to the amount actually paid for the stock. This means, if it means anything, that by reason of the sale of this stock the Company has now a capital liability of \$174,199,177.17 arising therefrom.

The fact. The Company has a liability to pay such dividends as may be earned on the par value of the stock, \$133,485,200 and no more. Your assertion is merely absurd.

Assertion 3. That nothing has been received for this \$36,105,756.28.

The fact. You are correct in your statement. The Company received nothing; on the other hand, it parted with nothing.

Assertion 4. That the earnings of the Company must meet an annual interest charge on this sum which at current rates amounts to \$2,166,341.80.

The fact. The Company does not now, never did, and never will have to meet an interest or other charge of any amount on this \$36,000,000, and it is incredible to me that you do not know it. What are the facts? The full amount of the stock in question was not issued until 1909. The experience of every issue is the same as that of the entire amount during the past four years, which is as follows. Dividends were declared, 1910, 6 per cent., 1911, 1912, and 1913, 5 per cent. each year, an average of 5.25 per cent. annually. It would seem to be necessary to state that dividends are always declared on the par value of the stock and not on what was paid for it or the market value. Accordingly, the exact amount received as dividends is as follows:

1910.....	\$8,009,112
1911.....	6,674,260
1912.....	6,674,260
1913.....	6,674,260

being, as stated, an annual average of 5.25 per cent. on par. This is a mere trifle above 5 per cent. on the actual cash paid for the stock. According to your unconditional statement, \$2,166,341.80 of the amount so paid each year, was on the "fictitious" stock, namely \$36,105,756.28. Your view is that the problem works out as follows:

	Stockholders Received.	Deduct paid on "fictitious."		Stockholders should have received.
1910.....	\$ 8,009,112.00	\$2,166,341.80	equals	\$ 5,842,770.20
1911.....	6,674,260.00	2,166,341.80	"	4,507,918.20
1912.....	6,674,260.00	2,166,341.80	"	4,507,918.20
1913.....	6,674,260.00	2,166,341.80	"	4,507,918.20
Total	\$28,031,892.00	\$8,665,367.20	"	\$19,366,524.80

This \$19,366,524.80 which the stockholders ought to have received on your view—the \$8,665,367.20 being the drain upon the earnings to which you object—gives an average of \$4,841,631.20 annual return upon the par value of the stock, which is 3.62 per cent., or 3.58 per cent. on the amount actually paid for the stock. Is there any escape from the conclusion that if the Company has actually been suffering the drain upon its revenues which you, after your attention has been called to the matter, deliberately say that it has, it has paid upon the money actually received by it for the stock only 3.58 per cent. annually and the stockholders have suffered a loss upon their principal of \$19,291,592.89?

The unquestionable facts are that the Company has paid an annual average return of a small fraction above 5 per cent. on the money it actually received and put into the property, and is under no legal or moral obligation to pay any more in the future than the money put in actually earns. The only answer to this which I can perceive is that the Company, by selling the stock at less than the Wall Street quotations, put it in the power of the then stockholders to realize the profit of \$36,000,000 which the Company ought to have realized. Is this an answer? If true, does the fact that the Company failed to realize all that you think it ought for stock sold warrant an unequivocal statement that it has issued fictitious stock and assumed a burden of over \$2,000,000 per annum?

If the stockholder actually sold his allotment and realized the profit, who paid the "bonus," the Company or the purchaser? The Company certainly did not. If the purchaser did, he now stands in the plight of having received for his supposed investment of \$174,199,177.17 dividends for the last four years of \$28,031,892, or an annual average of \$7,007,973, which is 4 per cent. upon his investment, and now finds himself saddled with stock which he can sell for only \$118,801,828, netting a loss of \$55,397,349 of his principal, upon which principal he has received only \$28,031,892 dividends in the four years.

I shall not enter upon a discussion of this phase of the matter. I am only concerned with your statement that the Company when it sold its stock at a premium created fictitious stock to the amount of \$36,000,000 and a charge upon its earnings of over \$2,000,000 per year. I should not, however, refrain from saying that you may learn something about the relation between stock issues and market values by referring to the data of the Railroad Securities Commission with which you seem to be familiar. I quote from the special report on the New York Central and Hudson River Railroad Company, with reference to the increase of stock by consolidation in 1869:

The average price of the stock of the Hudson River Railroad Company for the last six months for which it was quoted, prior to the consolidation, was 168.31 per cent., which, for the par value issued, \$16,020,800, equals a market value of.....	\$26,964,608.48
The average market price of the stock of the New York Central Railroad Company for the last six months for which it was quoted, prior to the consolidation, was 190.44 per cent., which, for par value issued, \$28,795,000, equals a market value of.....	\$54,837,198.00
The total market value of capital stock of the consolidated companies, based on the quotations of the New York Stock Exchange, is.....	\$81,801,806.48

This amount is 91.66 per cent. of the par value of the stock of the new company. Based on quotations of sales of the stock of the New York Central and Hudson

River Railroad Company for the first six months, its average price was 93.36 per cent. of its par value, which, for its total par value of \$89,244,130, equals \$83,318,319.77.

From this it appears that there was an increase in market value of the stock of the consolidated company over the market value of the stock of the consolidating companies of \$1,516,513.29, which is 1.85 per cent. I call attention to this merely to intimate that when one takes Wall Street sales as the yardstick by which to judge of the transactions of a company whose stock happens to be selling there, he is treading upon rather thin ice.

You deem it necessary in answer to my simple inquiries to instruct me in regard to other financial transactions of the Central. I thank you for your kindness, but am compelled to say that, happening to have all the facts at my command, I entertain the same opinion concerning your conclusions thereon as I do concerning the statement which I have been analyzing. As to the latter, I will admit you are justified in thinking I consider it without support in facts in any particular, and upon the facts as you state them so palpably and ludicrously absurd as to make it questionable whether your own language does not show as clearly the absolute groundlessness of the statement in the REVIEW as my somewhat elaborate analysis.

You are at liberty to use this letter in its entirety as you see fit, and I assume I am privileged to do the same with yours, but should be glad to have you confirm the assumption.

Very truly yours,

FRANK W. STEVENS.

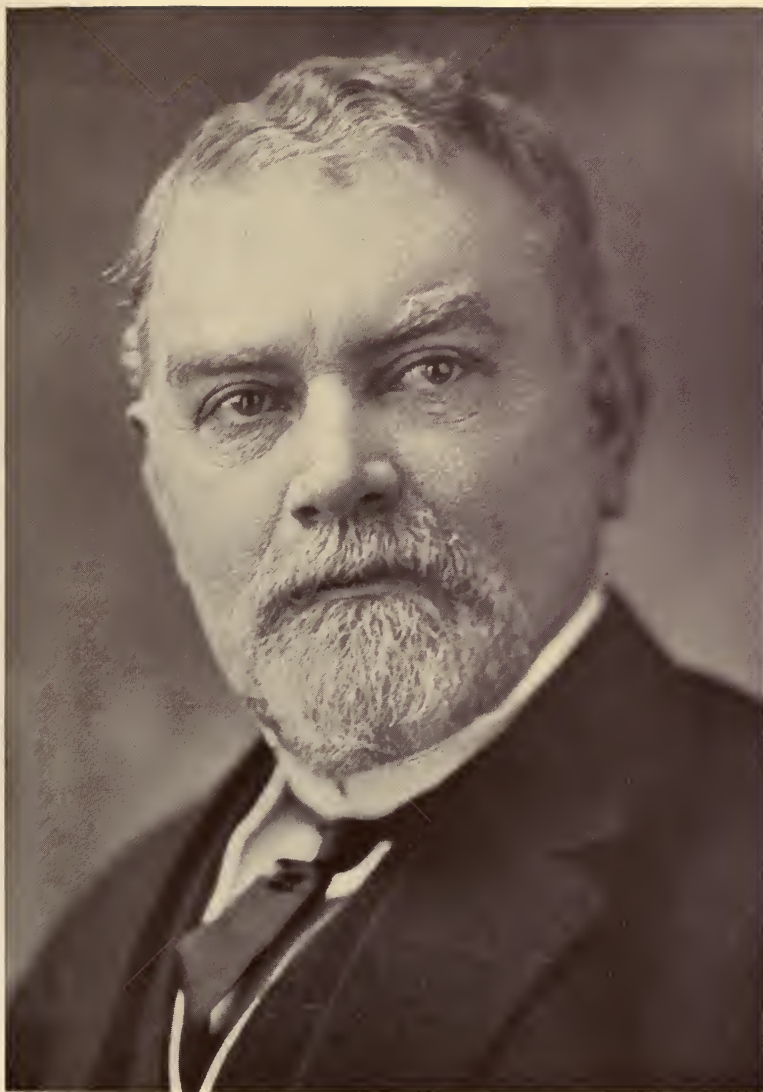




Copyright, Harris & Ewing, Washington, D. C.

William Root

SENATOR FROM NEW YORK



Copyright, Harris & Ewing, Washington, D. C.

J. H. Cowan

SENATOR FROM NEW YORK



NORTH AMERICAN REVIEW

MAY, 1914

WHY THE PRESIDENT IS RIGHT

“OBSERVE GOOD FAITH AND JUSTICE TOWARD ALL NATIONS.”—GEORGE WASHINGTON.

BY THE EDITOR

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.—President Taft to the Congress in 1912.

In my judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.—President Wilson to the Congress in 1914.

When two American Presidents whose ability, patriotism, and conscientious sense of responsibility express contrary judgments upon a matter of the utmost importance to their country, surely there must be room for honest differences of

opinion in other minds. To make distinction between the respective values of these two matured views would be invidious. It is, moreover, unnecessary to do so, since each is upheld by the highest recognized legal authorities of the United States.

But the above pronouncements are, in fact, but dicta. Neither President Taft nor President Wilson has presented the facts and reasons which wielded the decisive influence upon his mind; each has been content, in conformity with practice, to state his conclusion, and to leave to his supporters the task of exposition. Ordinarily, this would have been done along conventional lines by delegated spokesmen in the House of Representatives, but the unprecedented political situation which developed in that body, placing the four Democratic leaders in opposition to the President, arousing partisan activities and personal ambitions, stirring vituperative expressions of dormant resentments, and generally fetching into the discussion extraneous elements, has occasioned a confusion in the public mind most prejudicial to clear understanding. Nevertheless, the very heat of the brief House debate, unbecoming as it was in some respects, has served the excellent purpose of awakening extraordinary interest throughout the country, and the continuance of discussion upon a higher plane in the Senate cannot fail to win the closest attention.

Here again appears a striking anomaly in the circumstance that the chief advocate of the Democratic President's position is the foremost living Republican statesman, Mr. Root, while the leader of the opposition adhering to the Republican President's affirmation is the Democratic Senator, most eminent as a lawyer, Mr. O'Gorman, both from the State of New York. It is a situation unprecedented in our legislative history, but not to our mind, in a large sense, regrettable, since it emphasizes the non-partisan character of a momentous contest over an international question.

We need hardly direct attention to the very great importance of the ultimate decision; that seems to be well understood. What we would emphasize most strongly is the need of approaching the consideration of a problem so highly charged with possible consequences to this and other nations dispassionately, judicially, and patriotically. It is in that spirit that we shall search the records and analyze the facts in the hope of finding a right conclusion.

CRUX OF THE CONTROVERSY

The crux of the controversy is Rule 1 of Article 3 of the Hay-Pauncefote treaty, namely:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

Three questions immediately arise:

(1) Does the phrase "all nations observing these rules" include or exclude the United States?

(2) Does the phrase "vessels of commerce" include coastwise vessels of the United States in the matter of the application of the language of the treaty?

(3) Does the exemption of American coastwise vessels from the payment of tolls constitute such a discrimination against the vessels of other nations as is forbidden by the treaty?

The intent of the framers of the treaty is naturally of first importance. Neither Mr. Hay nor Lord Pauncefote is now living, but evidences remain. Mr. Joseph H. Choate was then American Ambassador to the Court of St. James's and had to do with the negotiations; so much to do with them, in fact, that Senator Lodge, who also took an active part, declares that it should have been called the Lansdowne-Choate treaty—an ascription, however, which we must regard as unwarranted, since, so far as we are informed, Mr. Choate had no hand in the actual construction of the agreement. Nevertheless, the importance of Mr. Choate's testimony is apparent. He writes as follows:

When we came to the negotiations of this last treaty, that of 1901, there was no question that, as between the United States and Great Britain, the canal should be open to the citizens and subjects of both, on equal terms, and that it should also be open on like terms to the citizens and subjects of every other state that brought itself within the category prescribed.

On that point there was really nothing to discuss, and in the whole course of negotiations there was never a suggestion on either side that the words "the vessels of commerce and of war of all nations" meant anything different from the natural and obvious meaning of these words.

A hasty reading of this statement leaves the impression of a definite understanding that our coastwise traffic should not be exempted, but more careful perusal seems to show that it is only Mr. Choate's opinion that such is "the natural

and obvious meaning of the words"—a deduction clearly borne out by the former Ambassador's previous declarations, to wit:

As the lips of both these diplomatists and great patriots, who were true to their own countries and each regardful of the rights of the other, are sealed in death, I think that it is proper that I should say what I think both of them if they were here to-day would say—that the clause in the Panama Toll act exempting coastwise American shipping from the payment of tolls is in direct violation of the treaty.

I venture to say that in the whole course of the negotiations of this particular treaty, no claim, no suggestion, was made that there should be any exemption of anybody.

Lord Pauncefoot and John Hay were singularly honest and truthful men. They knew the meaning of the English language, and when they agreed upon the language of the treaty they carried out the fundamental principle of their whole diplomacy, so far as I know anything about it, and in the six years I was engaged with them their cardinal rule was to mean what they said and to say what they meant.

The whole discussion against the proposed repeal seems to rest upon prejudice and the proposition that we ought not to submit to British dictation on the question. It is very wide of the mark. It is impossible, in my judgment, to discuss the question fairly on the interpretation of the treaty and come to any other conclusion than that the repeal of the exemption clause in the act is necessary out of due regard for our national honor and good faith.

From the time that this question of a canal through the Isthmus or a canal from the Atlantic to the Pacific, whether through the Isthmus or by way of Nicaragua or Tehuantepec or anywhere else, was agitated, the universal declarations of public men, of Presidents and Secretaries of State, and other public men on both sides of the Atlantic, were to the effect that the canal should be built for the benefit of mankind, on principles of universal equality of the vessels of all nations, and without any discrimination in favor of any nation.

These utterances of Mr. Choate possess undoubted value, first, in setting forth his own interpretation, and, secondly, in recording his firm belief that Mr. Hay, if living, would coincide; but the only direct evidence presented is to the effect that no question concerning our coastwise traffic arose or was considered at any time.

His testimony, therefore, while entitled to bear its rightful significance, cannot be regarded as in any sense conclusive.

Far more direct and convincing is the evidence of Mr. Willis Fletcher Johnson, a journalist of the highest standing,

who recalls distinctly a conversation with Secretary Hay in 1904 to this effect:

I asked Colonel Hay plumply if the treaty meant what it appeared to mean on its face, and whether the phrase "vessels of all nations" was intended to include our own shipping, or was to be interpreted as meaning "all other nations." The Secretary smiled, half indulgently, half quizzically, as he replied:

"All means all. The treaty was not so long that we could not have made room for the word 'other' if we had understood that it belonged there. 'All nations' means all nations, and the United States is certainly a nation."

"That was the understanding between yourself and Lord Pauncefote when you and he made the treaty?" I pursued.

"It certainly was," he replied. "It was the understanding of both governments, and I have no doubt that the Senate realized that in ratifying the second treaty without such an amendment it was committing us to the principle of giving all friendly nations equal privileges in the canal with ourselves. That is our Golden Rule."

This seems to clinch the argument, so far as the State Department is concerned. But what was the attitude of the Senate, which has co-ordinate authority in the making of treaties?

THE BARD AMENDMENT

When the treaty came to the Senate for ratification, Senator Bard of California offered the following amendment:

The United States reserves the right in the regulation and management of the canal to discriminate in the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

The amendment was lost by a vote of 47 to 23, and the advocates of repeal make much of this fact as evidencing the understanding of our own Government. The opponents of the pending measure, on the other hand, insist that such action bore no significance because of the ground upon which it was rejected, as set forth by Mr. Bard in the following letter:

When my amendment was under consideration it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

This understanding is confirmed by Senator Lodge, who said in the Senate on July 20, 1912:

I took a somewhat active part in the two Hay-Pauncefote treaties, as they are called. I voted against the Bard amendment. I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was built under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. . . . I had that same view in regard to this treaty. I was familiar with the work that was done upon it in London at the time when it was conceded there and finally agreed to, and I was very familiar with it here. Although, as the Senator from Georgia correctly said, the question was not raised at that time, I personally have never had any doubt that the matter of fixing the tolls must necessarily be within our jurisdiction.

And by Former Senator Beveridge, who writes:

When the first Hay-Pauncefote treaty was under discussion several Senators gave as reasons for voting against Senator Bard's amendment that it was unnecessary because under the treaty, even as it then stood, we had a perfect right to exempt our coastwise shipping from payment of tolls.

I voted for Senator Bard's amendment, not because I had any doubt upon the subject, but because the fullest possible American rights over the canal could not be stated too strongly for me.

When the second Hay-Pauncefote treaty came up for consideration, so unanimous was the opinion of Senators that under the treaty our right over tolls was undoubted, that Senator Bard did not even propose or offer his amendment again. Instead, he himself voted for the resolution advising the ratification of the treaty without amendment, which carried almost unanimously. This second Hay-Pauncefote treaty is the one now under consideration.

From my recollection of the matter, I think it certain that the Senate would not have advised ratification if it had been seriously contended that the treaty denied us the right to favor our own coastwise vessels.

Senator Perkins also said, on August 6, 1912:

I wish to state that Senator Davis, of Minnesota, was at that time chairman of the Committee on Foreign Relations. He was, as is conceded by all, an authority on international law, and took the view stated by the Senator from New York [Mr. O'Gorman] and that stated by the Senator from Washington. There is no question about it that the rules we did make were to govern other nations than ourselves.

Senator Clapp records his recollection in these words:

I know I was here at the time, although I do not recall all of the speeches. But while some of us voted insisting in some instances that these things should be explicit and in others voting with the majority upon the ground that they were covered anyhow, I believe, both with

reference to the coastwise trade and especially with reference to the question of fortification, that many of the votes cast against those express provisions were cast upon the theory that without them we nevertheless had the right to do them.

Mr. O'GORMAN. That the provisions were unnecessary?

Mr. CLAPP. Yes; that they were unnecessary.

Former Senator Fairbanks, on the other hand, declares emphatically that "the Bard amendment was voted down, after full discussion, not because it was regarded as surplusage, but because in the opinion of a large majority of the Senate it was violative of the spirit of equality which had been expressed in the treaty."

The net outcome of all the evidence adduced upon this point seems to be that the State Department regarded special reference to coastwise traffic as unnecessary because, under the general terms of the treaty, it could *not* be exempted, and that the Senate took the same position upon the theory that it *could* be. So far as we can perceive, therefore, the scales balance, and there is little room for argument on either side. It is but fair to add, however, that with respect to the right to fortify the canal—a question which took a precisely similar course—the British Government has since acquiesced in the Senate's understanding, upon the ground that a Nation cannot be barred from protecting its own property.

MR. TAFT, MR. ROOSEVELT, AND MR. ROOT

Analysis of the interpretations of the disputed clause by the highest American authorities is peculiarly interesting because of their very contrariety. While Mr. Taft has regarded it as unbecoming, in his present position, to engage in what might seem to be a controversy designed to embarrass his successor, he does not hesitate to declare that he is of the same opinion still as when he signed the Exemption Bill and appended the dictum quoted at the head of this article. Indeed, he went a step further when he said to the deeply concerned Canadians at Ottawa:

The tolls have been fixed on the canal for all the world on the assumption that the coastwise traffic is to pay tolls. Our giving it immunity from tolls does not, in our judgment, affect the traffic of other countries in any other way than it would affect it if we had voted a subsidy equal to the tolls remitted to our ships.

No country is affected by our coastwise traffic except Canada, and if

Canada is affected that way, she, too, can subsidize her trade from Quebec to Vancouver.

But indications had already appeared that Mr. Taft's conviction was far less firm than his words. In his memorandum filed with the Bill he suggested to the Congress the passage of an amendment extending to British subjects the privilege of appealing to our Supreme Court, and, speaking to the International Peace Forum in New York on January 5, 1913, he said:

When the time comes there will be no doubt about what I will do about submitting this question to an impartial tribunal. I am willing to arbitrate with Great Britain as soon as we get down to the point at issue. A good many people are saying, "Don't arbitrate, because you are going to lose. This is our canal, and while England is making a point of it, England would not fight about it, and therefore, why give up when you are not likely to get an arbitration that will be satisfactory to you?" Now, even if this view were correct as to probability of result, which I need not and do not admit, that is just the time when I am in favor of arbitration. This is the time that tests your faith in that method of settlement.

While these characteristic words were spoken primarily to prove his good faith with respect to arbitration generally, it is difficult to escape the inference that they also betokened a grave doubt in the speaker's mind regarding the basic merits of the case directly in point.

Mr. Roosevelt's views are plural, as usual. Senator Root, in his famous speech, placed much stress upon his former chief's broad declaration in his Message of January 4, 1904, to the effect that "if ever a Government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal."

"Upon that view," the Senator continued, "we base the justice of our entire action upon the Isthmus which resulted in our having the Canal Zone. We could not have taken it for our selfish interest; we could not have taken it for the purpose of securing an advantage to the people of the United States over the other peoples of the world; it was only because civilization had its rights to passage across the Isthmus, and because we made ourselves the mandatory of civilization to assert those rights, that we are entitled to be there at all. . . . We are forbidden to say we have taken the custody of the Canal Zone to give ourselves any

right of preference over the other civilized Nations of the world.”

We were well aware, at the time when President Roosevelt played the part of a common robber and despoiled Colombia, that Secretary Root experienced no little difficulty in reconciling his part in the proceedings to the dictates of his conscience. It is with the keenest interest, therefore, if not the fullest gratification, that we learn that he finally found his justification in the presumption that Mr. Roosevelt “took” Panama in the name of civilization very much as Ethan Allen took Ticonderoga in the name of the Great Jehovah. Naturally and; let us hope, in response to that still, small voice, the distinguished Senator is now striving earnestly, eloquently, and, we trust the event will prove, successfully, to make amends to that civilization of whose self-constituted mandatory he formed a constituent element.

But if Mr. Root suspected for a moment that the high moral motive evolved from his own somewhat complicated mental processes would be adopted by the prime mover of the marauding expedition, regardless of public sentiment and personal popularity, he reckoned without the candidate. Writing for the *Outlook* of January 18, 1913, Mr. Roosevelt said:

I believe the position of the United States is proper as regards coastwise traffic. I think we have the right to free *bona fide* coastwise traffic from tolls. I think this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic. There is no discrimination against other ships when we relieve the coastwise trade from tolls. I believe the only damage that would be done is the damage to the Canadian Pacific Railway. . . . I do not think it sits well on the representatives of any foreign nation . . . to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama and are doing this when every dollar of expense is paid by ourselves.

Mr. Roosevelt may have been a mandatory of civilization at the time of the robbery, but his part just at present is that of the quite practical politician not wholly unacquainted with the popular trend. Inasmuch as we shall dissect his ludicrous assertion that “there is no discrimination” in regular order, we now dismiss his pronunciamento with the casual reflection that, so far as we are informed, the Canadian Pacific Railway has no friends of voting age in the United States.

THE FAMOUS OLESEN-SMITH PRECEDENT

While, of course, a dictum of the United States Supreme Court is not effective or binding internationally, its judgment upon a legal question naturally bears vastly greater weight than any other. It would be futile, therefore, to attempt to minimize the influence of the much-quoted decision of the present learned Chief Justice in the now famous case of Olesen against Smith. The facts are these:

The treaty of peace and amity between the United States and Great Britain contains the following provision:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

Nevertheless, two statutes were enacted, one by the United States discriminating in favor of its coastwise traffic by exempting it from pilotage charges fixed by State laws, and the other by the State of Texas imposing such charges upon all foreign vessels, but exempting vessels in the coasting trade. Whereupon British shipowners appealed to the Supreme Court, claiming equal treatment, and the case was decided against them on the ground that the exemption of pilotage charges did not concern vessels in the foreign trade, but related solely to coastwise commerce. Mr. Justice White said:

Nor is there merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that "no higher or other duties or charges shall be imposed in any port of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

"In other words," said Speaker Clark in his recent forceful speech, "the court held that there could be no discrimination where there was no competition, and that as by the

law of the United States only American vessels can engage in the coastwise trade, it was no violation of the treaty if the regulations applied to all vessels in the foreign trade. The reasoning of that decision applies equally well to the present situation."

And so in fact it would seem, but closer examination does not sustain the conclusion. In the first place, this treaty deals only with ships, not with traffic, and the decision bears exclusively upon a mere incident of commerce and not upon commerce in a fundamental sense. The first and second articles of the treaty relate to freedom of commerce and navigation in reciprocal trade between all the territories of the United States and all the territories of Great Britain in Europe only, admitting "their ships and cargoes to all such places, ports, and rivers in the territories aforesaid" with "complete protection and security," but "subject always to the laws and the statutes of the two countries, respectively," thus expressly excluding from consideration all coastwise traffic, and in the last paragraph of the second article distinctly providing that the commerce of the continent of North America and the West Indies "shall not be affected by any provision of this article, but each party shall remain in complete possession of its rights with respect to such intercourse."

In the third article, in which certain rights are granted to foreign ships to touch at certain points in a country, express agreement is made that the arrangement shall not extend to the coasting trade.

Inasmuch as the alleged discrimination arose from mere pilotage regulation in an American port, not affected by the treaty in any way, but placed specifically under provisions of local law, it was inevitable that the Supreme Court should reject the claim of the British shipowners. We perceive no escape from Mr. Olney's opinion that "there is no analogy or resemblance between the two cases." Consequently, this chief bulwark of opposition—a mighty precedent established by the most exalted American authority—disappears from view.

SECRETARY KNOX AND SECRETARY BRYAN

It is the common belief that Secretary Knox held that the United States retains a legal right to exempt its coastwise traffic from the payment of tolls, but we find nothing in the

official record to substantiate this impression. In his reply to Sir Edward Grey, the Secretary refuted the British claim that additional burdens would be put upon foreign traders through the necessity of making up the deficiency in revenue arising from such remission by stating simply that the estimated domestic income had been taken into account and allowed for in fixing the tolls, and added:

The exemption of the coastwise trade from tolls, or the refunding of tolls collected from the coastwise trade, is merely a subsidy granted by the United States to that trade, and the loss resulting from not collecting or from refunding those tolls will fall solely upon the United States. In the same way the loss will fall on the United States if the tolls fixed by the President's proclamation on all vessels represent less than the fair value of the service rendered, which must necessarily be the case for many years; and the United States will, therefore, be in the position of subsidizing or aiding not merely its own coastwise vessels, but foreign vessels as well.

While admitting that the British claim of inequality might properly be referred to a commission for examination, he did not feel that the question demanded consideration at that time. He did, upon another occasion, say frankly:

American public opinion is so fully convinced that this country is right in the canal-tolls dispute with England and has such well-grounded suspicion that the whole English contention is in the interest of the English stock and bond holders in the Canadian Pacific and other Pacific railroads that popular interest in the notes exchanged between the foreign offices of the two countries is not keen. . . . Their will has been expressed by the act of Congress freeing American ships from tolls, and if "diplomacy" tries to veto that decision diplomacy will get a bad upset.

But this is no more than an interpretation of public sentiment, it does not touch the legal aspect of the case, upon which, to the best of our information, Mr. Knox has not pronounced an opinion.

Secretary Bryan has manifested a like reticence. What has been evolved from the painstaking study which presumably he has devoted to the subject of direct and engrossing interest to his Department has to be divulged.

MR. OLNEY FOR AND AGAINST

It is no reflection upon Mr. Bryan's erudition in the law to suggest that, in any case, the opinion of his distinguished Democratic predecessor, Mr. Olney, would be commonly regarded as possessing at least equal claim to consideration. This appears in a carefully prepared address read by Mr.

Olney before the American Society of International Law at Washington, on April 25, 1913, concluding as follows:

To sum up the conclusions resulting from the foregoing considerations, it is submitted that—

1. The United States, as builder and owner of an artificial waterway within its own territory, is entitled to dictate the conditions of its use unless and only so far as it has contracted the right away.

2. It has made no such contract, except with Great Britain and by the Hay-Pauncefote treaty and by the clauses of that treaty which stipulate for the use of the canal by "all nations" on equal terms and for reasonable and equitable tolls.

3. As the term "all nations" comprehends not only States, but their nationals, the crucial question is, are the words "all nations" inclusive or exclusive of the United States and its nationals?

4. The principle is well settled that a State conveys away its rights of sovereignty or property only by terms which are clear and express and are not susceptible of any other reasonable construction. If the terms are vague and of doubtful import the presumption is against the State's intention to part with or abridge its jurisdictional or property rights.

5. Hence, as the term "all nations," as used in the treaty, may be taken to mean either all without exception or all except the United States, the latter meaning is to be accepted as the true one because the least restrictive of the normal rights and powers of the United States.

6. But it is unnecessary to rely upon presumption. The treaty assumes the United States to be the owner of a canal to be built by it on its own territory and must be taken to have had as its natural and legitimate aim the fixing of the terms upon which other nations might use it. Except as necessarily abridged by such terms, nothing in the treaty indicates any purpose to further abridge the rights of the United States as canal builder and owner.

7. In short, the treaty is an instrument by which the proprietor of a canal fixes and states the terms of use to its customers.

There is an utter absence of evidence that the United States regarded itself as one of its customers.

8. The neutralization proposed by the Clayton-Bulwer treaty resembles that proposed by the Hay-Pauncefote treaty only in the idea that the operating charges and rules for use of the canal shall be the same for all nations. It differs, of course, in the vital feature of conditioning such equality of terms upon protection being afforded to the canal.

9. When five out of six of the treaty rules for the use of the canal do not apply to the United States, it is a reasonable conclusion that the sixth also was not meant so to apply.

10. The different phases of American public and official sentiment respecting the canal are noteworthy and not to be overlooked in construing the Hay-Pauncefote treaty.

While the United States was expecting to be merely one of the users of the canal, it strenuously insisted upon equality of rules and charges for the use of the canal and did not concern itself about the rights of the canal owner.

When the rôle of builder and owner of the canal was forced upon it,

it as strenuously insisted upon complete ownership and complete control and complete elimination of all foreign participation or control.

Its purposes and views are completely defeated if the Hay-Pauncefote treaty is to be construed according to the British contention, and the United States has lost the ordinary and normal right of the canal owner to be exempt from the tolls and charges it makes to customers.

We record these conclusions at length because they comprise in most succinct form the entire legal argument in favor of the right of exemption. They are, moreover, the most positive, if not convincing, that have been adduced from any competent source. Nevertheless, Mr. Olney now favors repeal upon the broad ground that the Congress "ought to stand by the President." After noting, in a letter to Representative Peters, that the President, in effect, declares that the merits are immaterial and that repeal is essential to proper conduct of our foreign relations, Mr. Olney says:

Now, this declaration of the President must be accepted as made in good faith, with absolute sincerity, and with an intimate knowledge of foreign relations that Congress cannot pretend to. What else, therefore, is there to do but follow the President's lead upon a matter upon which he is entitled to lead both by reason of superior acquaintance with the subject and because our frame of government requires him to lead? It must be borne in mind that for Congress not to support such an urgent appeal as the President has made in this instance is not merely to defeat a measure which may be, and which he deems to be, required both by the honor and the well-being of the Nation. It is to discredit him for the future, it is to weaken and prejudice him in his subsequent intercourse with foreign nations, it is to give them notice that he is rather a figurehead than a real factor in the National Government, and that dealings with him are hardly to be regarded as very serious affairs.

Independent citizens may or may not coincide in this view, conformably to their bent of mind, but the strength of its appeal to influential Democrats is undeniable. The suggestion that Mr. Olney reversed his personal attitude without disclaiming his legal position in gracious return for the President's tender of the Ambassadorship to the Court of St. James's we regard as unworthy of consideration.

BRITISH INTERPRETATIONS

Although the questions of interpretation and international law have attracted comparatively little attention abroad, the advocates of the theory of our right to exempt our coast-wise traffic are not without supporters even in England. The *London Law Review*, for example, frankly admitted that

“ Great Britain, Germany, France, or other great powers would not discuss for a moment the claim of any power to hold a treaty right to demand that tolls be placed upon their coastwise trade in the waterways they own, control, or have built.” And declared further:

(a) That the United States can support its action—that is, providing for exemption for the coastwise vessels—on the precise words of the material articles of the treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on grounds of general justice;

(b) There is no international obligation to submit the construction of its legislative act to any process of arbitration; and

(c) That any aggrieved party has an appropriate and impartial and a competent tribunal in the Supreme Court of the United States.

So, too, Mr. C. A. Hereshoff-Bartlett, a recognized authority, said plainly that “ the treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic or coastwise commerce and its use and enjoyment of its own property as it saw fit,” and added:

The use of the words “ vessels of war ” shows plainly that the word “ vessel ” as used refers only and exclusively to those of all nations other than those of the United States, and that the word “ nations ” was restricted to foreign nations; that is to say, nations foreign to the United States.

But the British admission to which Senator O’Gorman and his associates attach the utmost importance is contained in the following communication from the Chargé d’Affaires Mr. A. Mitchell Innes, dated July 8, 1912, and addressed to the Secretary of State:

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only *bona fide* coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

Practically every argument opposing repeal that we have read advances the above quotation in the form given as demonstrating the British Government’s virtual concession of the right of exemption. We find, however, upon examination of the original transcript, that Mr. Mitchell Innes immediately added:

But it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact,

in a preference to United States shipping and consequently in an infraction of the treaty.

Which not only robs the utterance of much of its assumed and apparent significance, but coincides wholly with Sir Edward Grey's latest and very positive insistence that "coastwise trade cannot be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade and thereby constitute a discrimination in plain contravention of the provisions of the treaty."

Upon this point—*i.e.*, of discrimination—there is and can be no room for doubt. Professor Emory R. Johnson, who fixed the tolls under the direction of President Taft, demonstrated that fact beyond question in the April REVIEW, but a single example will suffice. The Pacific Coast obtains its hard coal from the Atlantic seaboard and from Wales. Under the existing law a ship bearing cargo from Norfolk to California would pass through the canal free, while a like vessel from Swansea would be compelled to pay tonnage rates. Similar instances might be cited indefinitely, but more need not be said to prove the absurdity of Mr. Roosevelt's heedless assertion that "there is no discrimination against other ships when we relieve the coastwise traffic from tolls."

"VESSELS OF WAR"

Much has been made by opponents of repeal of the treaty provision that the canal shall be "free and open to the vessels of commerce and of war on terms of entire equality." How, they ask, can this be held to apply to merchant-ships if not also to battle-ships? Even so intelligent a statesman as Senator Cummins solemnly declared that "if the United States is within the phrase 'all nations,' then that provision would apply to us in the event of war between us and any other country in the world." The reasons why this is not true are twofold: First, the matter has already been determined and agreed upon by the high contracting parties. Secretary Hay said at the outset in his memorandum transmitting the treaty to the Senate:

War between the contracting parties or between the United States and any other power would have the ordinary effect upon treaties when not specially otherwise provided and would remit both parties to their original and natural right of defense and give to the United States the clear right to close the canal against the other belligerent and to protect it and defend itself by whatever means might be necessary.

Simultaneously Lord Lansdowne wrote:

I understand that by the omission of all reference to the matter of defense the United States Government desires to reserve the power of taking measures to protect the canal, at any time when the United States may be at war, from destruction or damage at the hands of enemy or enemies.

And, finally, Sir Edward Grey stated explicitly in his note of November 14, 1912:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

A more definite understanding cannot be imagined, but if further assurance be required it is to be found in the simple fact that a state of war suspends treaties. Clearly, this plea is so wholly disingenuous as to be unimpressive even as a bugaboo.

THE WELLAND CANAL CASE

The Welland Canal tolls case was brought forward most effectively as a parallel by Senator Root. The treaty of 1871 contains the following provision:

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

Subsequent to its adoption Canada fixed the Welland Canal tolls at twenty cents per ton upon the merchandise of both Canada and the United States, but granted a rebate of eighteen cents per ton upon all merchandise going to Montreal. On August 23, 1888, President Cleveland protested against this action upon grounds set forth in a Message to Congress, to wit:

The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers, as well as vessel owners, were to enjoy the equality promised.

And yet evidence has for some time been before the Congress, fur-

nished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports—their coastwise trade—are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.

To promise equality and then in practice make it conditional upon our vessels doing Canadian business instead of their own, is to fulfil a promise with the shadow of performance.

Thereupon, continued Senator Root, "Canada retired from the position which she had taken, rescinded the provision for differential tolls, and put American trade going to American markets on the same basis of tolls as Canadian trade going to Canadian markets. She did not base her action upon any idea that there was no competition between trade to American ports and trade to Canadian ports, but she recognized the law of equality in good faith and honor; and to this day that law is being accorded to us and by each great Nation to the other."

To this Senator O'Gorman responds, as Mr. Olney replied in the pilotage controversy, that there is no analogy between the two cases, the one being a matter of treaty and the other of legislation. The commercial arrangement, he insists, rested not upon the treaty of 1871, but upon the reciprocal legislation enacted by both countries, and Canada withdrew from her position, not because she was violating a treaty to which she was not a party, but because under the powers reserved by the Act of 1873 the United States had a right to retaliate and Canada considered it disadvantageous to her own interests to invite such retaliation.

Technically we should say that Senator O'Gorman's position is correct, but there is no gainsaying the applicability and potency of President Cleveland's interpretation of the spirit of an agreement guaranteeing equality between nations.

ARBITRATION AND ABROGATION

Why not arbitrate? is a question often asked. Sir Edward Grey expressed full willingness to accept this method, Senator Root and Mr. Olney suggested it, Mr. Knox did not reject it, and Mr. Taft approved it. Moreover, we have a treaty with England expressly providing that questions involving the interpretation of other treaties should be referred to an arbitration tribunal, and it covers the canal tolls dispute to a nicety, but it requires a two-thirds vote of the

Senate to refer a specific question, and this could not be obtained. President Wilson might have saved his own face and possibly have served all political purposes by recommending arbitration, but greatly to his credit he disdained to avail himself of a method which he knew to be ineffectual; he preferred to meet the issue squarely and abide the consequences.

So, too, many minds are confused by the assertion that a change of conditions might justify the abrogation of this treaty altogether, especially in view of the fact that some of the highest authorities have held that the virtually obsolete Clayton-Bulwer treaty was, in fact, abrogable. Even so competent a jurist as Mr. John Bigelow declares that the mere fact that the United States now actually controls the canal territory which it did not control at the time of the making of the treaty "makes the interpretation subject to the general principles of law and equity which render an agreement voidable at the pleasure of either party." Clearly, he must have overlooked the specific provision contained in Article IV., which reads as follows:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the High Contracting Parties under the present treaty.

Here, surely, is left no ground for dispute.

THE ADOPTION OF REGULATIONS

Senator O'Gorman attaches much importance to the phrasing of Article III., to wit:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, etc.

Mr. O'Gorman construes this as "indicating at once a clear distinction between the Government that makes the rules and the Government that observes the rules," and that the equality shall be only that which shall be maintained among "the (other) nations observing the rules prescribed by the United States." We frankly perceive no point in this contention. It was necessary for some authority to make regulations, and obviously the only authority empowered to do so was the Nation whose exclusive control of the canal was universally conceded. But the rules thus pre-

scribed must conform to the terms of "equality" guaranteed by international agreement just as surely as an ordinary statute must conform to the Constitution. Upon that point there is no shadow of doubt. A claim to the contrary, therefore, can be regarded as no better than transparent subterfuge.

PRESIDENT WILSON'S REASONS

We come now and finally to the reasons set forth by President Wilson in his dramatic appeal to both the Congress and the Democratic party to reverse their positions. The President begins:

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

Opinions differ with respect to the economics of exemption. The amount involved at least for the first few years is trifling. Professor Johnson fixes the maximum that would be collected per annum from our coastwise shipping at two millions of dollars. Granting that this sum would be, in effect, a subsidy, it is infinitesimal as compared with the enormous grants to the transcontinental railways. Admitting further, as the President pointed out in his letter to Mr. Marbury, that the favor would be extended, "for the present, at any rate," to a monopoly, is it probable that, if the business should prove to be as profitable as is anticipated, the monopoly would remain for long unbroken? Is it not, indeed, far more likely that the imposition of tolls would greatly enhance the difficulties of establishing effective competition with the well-equipped and financially strong existing companies? On the other hand, does not the very moderate toll-rate fixed upon all vessels afford the shipping industry quite as much advantage as it is entitled to receive?

We do not pretend to know. Neither do we consider that it makes any material difference. What we do know is that forty-five years ago thirty-five per cent. of American shipping was carried in American vessels, and that to-day it hardly reaches nine per cent. of all sea-borne American traffic. Under the circumstances, we are disposed to believe that it would be sound economic policy to open the

gates of the canal wide to revivification of the American mercantile marine, if we had the legal and moral *right* to do so. But have we? That is the question, and the only one, and until that question is settled it is idle to discuss prospects and percentages. To our mind, since the raising of the economic phase serves only to make for a volume of unnecessary discussion, the President would have done well to ignore it altogether.

The President continues:

But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

This must be taken in connection with the statement in the President's letter to Mr. Marbury to the effect that the point "is at least debatable, and if the promises we make in such matters are debatable, I, for one, do not care to debate them." The meaning of all this, of course, is that the United States should acquiesce in the judgment of other Powers, irrespective of our own opinion, without debate.

We squarely dissent from any such doctrine. We agree with the *London Times* which says frankly that "such a notion is naturally unpalatable to a high-spirited people who feel themselves entirely competent to deal with all their foreign problems on the merits of each and without extraneous assistance." Even admitting, although the evidences are not as yet forthcoming, that all other nations stand with Great Britain in this matter, we are nevertheless the party most directly and deeply concerned, and surely we are entitled to a hearing. We are unable, moreover, to see how President Wilson can sustain such a position with any degree of consistency while, at this very moment, he persists doggedly in refusing to recognize the *de facto* government of Mexico, in plain defiance of the unanimous opinion of the civilized world. No other self-respecting nation on earth, least of all Great Britain, would make such an admission; and, whatever may be our final action on the Repeal Bill, the fact should be made indubitably clear that we do not.

The President proceeds:

We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do—voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

We ought to “reverse our action”; assuredly yes; not, however, because our position is “everywhere questioned and misunderstood,” nor because its rightfulness is beyond the pale of consideration, but *because we were wrong* and are indeed “too big, too powerful, too self-respecting” to deny it; for that and no other reason we should do “the large and only thing we can afford to do.”

The President concludes:

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

This enigmatical phrase has evoked an unconscionable amount of speculation. Despite the fact that it affords a way out for Congressmen like Senator Lodge, we cannot but regard it as inept and calculated to render the cause of repeal more harm than help. The allusion is not only so vague and mysterious as to be susceptible of all kinds of misconstruction, but it is directly contrary to the President's professions of publicity as a worthy and effective force, and, worst of all, it evinces an unhappy distrust of the intelligence, prudence, and patriotism of the leaders of the very co-ordinate branch of the Government to which he makes his appeal. The growing restiveness of the Congress indicated by Senate resolutions calling for more detailed information makes it quite clear that, in this particular, the President either went too far or not far enough. The mistake, however, if such it really be, is one of tactics only, and is in no sense vital or even serious.

THE POLITICAL PHASE

The political aspect of the situation need not be considered at this time. That it is serious from the Democratic

standpoint is undeniable. Assuming, as we fear to be the case, that public sentiment as a whole is strongly against repeal, the party is bound to suffer severely at the polls in November. If the measure shall carry, Republicans and Progressives will have at least one popular issue upon which they can unite unqualifiedly and aggressively. If it shall fail, the prestige of President Wilson will receive a sharp blow, and the vaunted effectiveness of the Democratic party as a compact and capable organization will lose much of its appeal to independent voters as a reason for continuance in power. Whatever the event, the enthusiasm of unity so essential to successful party strife cannot but be seriously impaired. Other issues may arise, as "the White House" has intimated, but assuredly this one will not be permitted to die.

CONCLUSION: UPHOLD THE PRESIDENT!

So we have run the gamut. If arguments upon either side have been overlooked, the omission is due to no intent. We have tried to set forth all of the facts faithfully and to present their true meaning. And there is no escape from the conclusion that exemption is, as the President has said, "in plain contravention of the treaty with Great Britain," and that consequently "the large thing to do is the only thing we can afford to do—a voluntary withdrawal" from a false position, from which we must retreat or forfeit what Jefferson depicted as "decent respect in the opinions of mankind."

True, we built the canal; we own it; true, Great Britain will derive greater advantage from its construction than all other nations combined; true—and to this extent we agree with Mr. Roosevelt—it ill behooves the British Government, under the circumstances, to raise the question of our coastwise traffic at all; true, if we repeal exemption now we do it for all time and admit foreign possession of a partial veto power which approaches more closely than we enjoy to a subtle encroachment upon the Monroe Doctrine; true, if you like, we made a bad trade, the terms of which would have been modified long since but for the utter inadequacy of our diplomatic service.

But we have pledged our faith as a Nation; and that is the beginning and the end of all argument. England may—in fact, surely will—derive vast material gains by holding us

fast to the hard bargain which she drove, so shrewdly and successfully, but if ultimately she profits as a Nation from so flagrant a demonstration of narrow selfishness, her experience will be unique in the history of the world. With that we have nothing to do; it is her own affair.

Our sole concern relates to our own honor, and that must be preserved inviolate. That it would be sullied in our own eyes and before the world we firmly believe a careful study of all phases of the subject as depicted above cannot fail to convince every honest mind. To all good citizens, then, we say, unhesitatingly:

Remember the admonition of Washington to "observe good faith and justice toward all nations" and stand by President Wilson in his courageous determination to "redeem every obligation without quibble or hesitation"; stand by him, not necessarily because he is President, but because he is right.

And then, when we shall have eaten of the bitter fruit of our own careless growing, let this and all subsequent Administrations take to heart these concluding words of the Father of His Country:

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. *Here let us stop!*"

ON TRAITORS AND INGRATES

SURELY it is a pity that our most widely circulated public journals seem unable to discuss a subject, especially of international concern, without indulging in extravagant and rancorous assertion. Mr. Hearst is a notorious offender in this regard, and Mr. Pulitzer is quite within bounds in calling him sharply to account for virtually denouncing the President as "a traitor" because, forsooth, he insists upon maintaining a treaty obligation. While we are unable to follow the *World* to the full extent of pronouncing such vilification as wilful incitement to assassination, its reprehensibility is certainly without excuse of any kind and merits just rebuke.

Whether, on the other hand, the *World* itself is so impeccable as to be warranted in administering so severe a reprimand

mand is perhaps a question. We observe, for example, that while Mr. Hearst was accusing President Wilson of betraying his country, Mr. Pulitzer was no less vehement in denouncing Speaker Clark, not only as a traitor, but as "a perfidious ingrate." And why? To whom or to what had the Speaker proved recreant or false? He opposed cloture, to be sure, but in so doing he merely reiterated the protest against arbitrary rule which eventuated in the dethronement of Cannon and the triumph of the Democratic party at the polls in 1910. Mr. Clark led that fight, and subsequently, when elected Speaker, maintained consistency by voluntarily depriving himself of much of the power which he might easily have retained. No journal opposed Cannonism at the time more strongly than the *World*, and none applauded the self-abnegation of the new Speaker more heartily. And yet now it condemns him for his very steadfastness, no less than for manifestation of the courage of independent conviction, the lack of which in the Congress the *World* has lamented constantly since May 10, 1885. Who, then, has changed, the Speaker or the *World*?

Even more scathing was the *World's* denunciation of Mr. Clark's speech against repeal of the canal-tolls exemption. Here again he proved himself a traitor by adhering to a plain mandate of his party adopted by its National Convention, and explicitly indorsed by its candidate during the campaign. Surely rational ground for such action can be found, even though, as we in common with the *World* believe, sufficient excuse appears in this instance for disregarding the pledge. If the positions were reversed, however, and the President was now upholding and the Speaker repudiating the platform, we can almost see the gilded dome shaken as by an earthquake by reverberations of "broken faith," "shameless betrayal," and goodness knows what all. And with good reason, too, because it was not Mr. Clark, but Mr. Wilson, who said, "Our platform is not molasses to catch flies; it means business; it means what it says"; and it was not Mr. Clark, but Mr. Bryan, who declared that the violator of a party pledge is "a criminal worse than an embezzler."

Moreover, is there any real reason to doubt the sincerity of Speaker Clark in declaring his belief in the right and desirability of exemption? He is commonly reckoned an honest man; and what could ring more true or fair than this from his wholly temperate and considerate address:

The President is convinced that the statute as it now stands does contravene our solemn obligation, and should therefore be repealed. So believing, he does the only thing that an honorable and conscientious head of the Nation could do; he asks us to reconsider our action in view of his conviction that we have violated a pledge. Whatever may be the differences of opinion respecting the merits of the case, I do President Wilson honor for his act. If I were in his place and believed as he believes, I should do as he has done. Moreover, I have such confidence in the President that I have not the slightest doubt that if he were in my place and believed what I believe, he would do as I am doing. But I do not and can not indorse his judgment in this matter. I think he is wholly in the wrong, at least so far as the treaty bears upon our own domestic situation, and consequently offers no just cause for the breaking of a well-considered party pledge.

If this is not the voice of duty, conscience, and tolerance, then never before did simple words so wholly belie an earnest conviction. And yet, in the calm, broad judgment of a great Democratic newspaper, they stamp a Democratic Speaker of the House of Representatives as "a perfidious ingrate."

A strong term, that! Not only, according to the dictionary, is an "ingrate" a most despicable person either unable from temperamental defect or unwilling for personal advantage to manifest due appreciation of loyal service rendered by another, but "perfidious" is synonymous with "false-hearted," the "basest" of mankind. There may be ingrates in Washington, but if so the very last among those to whom, in the minds of his colleagues and constituents, the opprobrious term might be suspected to apply, we should say without question, is the present Speaker; and nowhere in American public life, we must believe, does "perfidy" abide.

When our amiable Brother Roosevelt makes his happy advent, therefore, we shall request him to administer the most gentle reproof of which he is capable to both Mr. Hearst and Mr. Pulitzer. Meanwhile, the particular phase of higher journalism involved might well be taken under prayerful consideration by Mr. Talcott Williams, Director of the Columbia School of Theoretical Actualities.

SIGNIFICANCE OF THE BYE-ELECTIONS

THE Congressional bye-election in the Twelfth District of Massachusetts last month resulted comparatively as follows:

SIGNIFICANCE OF THE BYE-ELECTIONS 667

	1912	Per cent.	1914	Per cent.	
Democrat	14,875	.501	8,708	.535	+ .034
Republican	5,812	.196	3,973	.244	+ .048
Progressive	9,001	.303	3,592	.221	— .082
<hr/>			<hr/>		
Total vote	29,688		16,273		

“The meaning of these figures,” says the *Boston Herald*, “is clear. The Progressives lost eight per cent., five of which went to the Republicans and three to the Democrats. The Progressive movement is receding to the advantage of the Republicans, but the Democratic tide has not spent its force.” Both Republicans and Progressives made active campaigns, the former importing several speakers from Congress, and the latter fetching into the contest their most effective leader, Mr. Charles Sumner Bird, and Mr. Bourke Cockran. The Democratic candidate praised the Administration, but declared flatly against canal-tolls redemption; consequently he received no help from Washington. His clear majority indicates that he gauged accurately the sentiment of the voters. In fact, Representative Harrison did not hesitate to say on the floor of the House that “so far as I could observe, the majority of the people of the district were in favor of free tolls.”

The election in the Seventh District of New Jersey resulted as follows:

	1912	Per cent.	1914	Per cent.	
Democrat	9,990	.466	5,240	.319	— .147
Republican	6,666	.312	10,620	.646	+ .334
Progressive	4,746	.222	619	.035	— .187
<hr/>			<hr/>		
Total vote	21,402		16,479		

The Socialist candidate received 5,053 votes, only 187 fewer than the Democratic nominee.

The Democratic candidate stood for repeal of the Exemption Bill and received the full support of the Administration. President Wilson, in a letter, urged the voters to “show their judgment with regard to the present Administration” by electing him; Senator Lewis implored them not to “repudiate the President in his home”; Senator James declared that it would be “a personal insult to President Wilson” if he were defeated; and Representative Glass said

his rejection would imply "condemnation of the Administration." Secretary Bryan was to have spoken also, but a quite temporary indisposition prevented. On the day after the election Secretary Tumulty announced that it was normally a Republican district and that the Administration had no expectation of carrying it, thus conveying at least a suggestion of political unwisdom in emphasizing so strongly as a test a defeat predestined to be overwhelming.

We are convinced by investigation that, while the sentiment of the district is against repeal, the chief cause of the turn-over was general dissatisfaction with industrial conditions, supplemented by a shifting of the Irish-American vote to the Republican column. A like outcome, in our judgment, would have resulted in any other manufacturing district in New Jersey or New York. If so, in view of the sign from Iowa that the farmers are returning to the Republican party, and of the certainty that the Progressive vote is disintegrating, a condition has arisen which calls for very serious consideration on the part of Democratic leaders.

PROFESSOR HART AT SEA

It was with keen zest for edification that we opened the Sunday paper and beheld the head-lines: "Huerta is Not Entitled to Recognition says Albert Bushnell Hart—Harvard Professor Takes Issue with George Harvey on the Mexican Situation and Strongly Upholds the President." Knowing Dr. Hart full well as both a thinker and a writer, our impatience to discover the capacity in which he had taken pen in hand in this particular instance was hardly controllable, and we read at racing speed.

Yes, it was true: "The present situation of Mexico is not abnormal, not something to be set aside by diplomacy or tact or proclamations or a brilliant magazine article or by shouting, 'Recognize Huerta!'" No, indeed; "this is the normal condition of Mexico, likely to continue decades after Huerta is gathered to his victims" and attributable not to lack of recognition nor "even to the weakness of Mexican government," but to "an instability of Mexican character, which seems to make good government impossible." As for the "timorous commander," where has he been "during the fierce campaigns in the north while town after town has been taken by forces of Mexicans which

were little better than organized brigands?" Where, indeed, but in the National capital, where he belonged quite as surely as Lincoln was due to stay in Washington during our own equally fierce campaigns in the South?

But never mind. Dr. Hart pronounces Huerta unfit and consequently unworthy of recognition. So let it be. What then? Carranza? What! Carranza, who "has left the conduct of the campaign to Villa—a man who combines the lofty qualities of a practical bandit and train-robber, a safe-breaker and a captor of a nunnery; a man who habitually, deliberately, and in cold blood kills fellow-Mexicans who have opposed him, musket in hand like men, and who have surrendered?" Carranza? Never!

Then Villa, perchance—Villa, whose "shocking business is nothing but plain, despicable murder; murder without any military advantage; murder for the sake of killing; a man who has as much capacity for civilized government as a bull in a ring; a man who seizes upon power that he may benefit himself and massacre his enemies"? Villa? A thousand times no!

Intervention, then? Let us see! "Allowing that intervention should begin, where and how is it to end? Supposing that our physical means are sufficient for the task of holding down Mexico, have we not sufficient race and color questions already? Are we so far advanced in the amalgamation of European races, much nearer to us than the Mexicans are in culture and standards, that we can undertake a similar task at long range upon an unwilling people? Is Cuba so certain to remain a dependency instead of to become an integral part of the United States that we can undertake a problem many times more difficult? Have we been so successful in the fair treatment and civilization of our own three hundred thousand Indians that we wish to be responsible for fourteen million more? Is the government of Boston, New York, and Philadelphia so firmly established on principles of truth and righteousness that we can now transfer our energies to the uplift of Tampico and Mazatlan and the City of Mexico? Von Moltke used to say that he had worked out three different detailed plans for the invasion of England by a German army, but he never could contrive a plan for getting the army back again. A stroke of the pen can send an army into Mexico! How many strokes of the sword will be needed to keep it there?"

And yet, says Dr. Hart, firmly, "there is a positive and pressing need for official understanding with some authority in Mexico, because the property and lives of foreigners, including many American citizens, are in daily danger. Some of that property arises from questionable dealings with defunct governments; much of it is fairly and honestly won against great difficulties. Most of the Americans who have established themselves in Mexico did so under a government which seemed likely to retain its authority and keep the peace. Our Government owes to those people moral support at all times and protection in case of need. Of course, that protection can be offered without recognition of this or that Mexican government; and it is difficult to see how a constitutional President who cannot defend the lives and property of his own adherents in the north could, by recognition, become suddenly powerful enough to defend Americans."

And there Dr. Hart leaves us groping in the mist for a suggestion that might bear at least a semblance of coherence, and finding not so much as a ray of intelligibility! If this be a train of thought, it is not even on its way; it has stopped dead at the station called Anarchy and is enveloped in the blackness of devastation and despair. We find it not in our heart to envy the President this "strong support" of the watchful waiting that seems at last to be approaching its inevitably bad end.

Salutations, in any case, to the admirable historian and ambitious logician, Dr. Albert Bushnell Hart, the true and typical Harvard man, whom "you can always tell—but not much!"

MR. BRYAN AND HIS FIFTH ASSISTANT

WE cannot refrain from noting with satisfaction the ease with which Secretary Bryan overwhelms his critics with confusion whenever occasion offers. Three distinct accusations from the Middle West have been hovering over his head for some time: (1) That he pays no attention to the details of his office; (2) That he is extravagant; and (3) That he is stylish. In a very few, simple words Mr. Bryan demolished all three charges the other day at a hearing before the Senate Committee on Appropriations. After explaining to the Committee with pardonable pride that he

had reduced the estimated expenditure of his Department from \$354,160 to \$354,040, thus effecting a net saving of \$120 per annum, he said:

I find a man who has been acting as coachman for thirty years or more is carried here as a messenger. I think he ought to be carried by a term that will describe him; or, if you do not want to do that, if you will permit me to detail a messenger to act as coachman, that will be satisfactory. I am using a man now as a coachman and he is being paid by the Government, and there is apparently no authority for it, and I would rather have authority for what is done.

In other words, while admitting the need of a coachman, or driver, as they call him in Nebraska, he did not wish to ride behind a false pretense in the guise of a messenger. Moreover, he continued, "while on this question of expense, I found that it had been customary to use another messenger as assistant to the driver or as a footman," and added, somewhat pathetically, "You gentlemen, of course, know you cannot get along with a driver alone when engaged in the matter of returning cards." The Senators addressed nodded understandingly and, probably to show their own familiarity with the usages of polite society, granted the allowance. So, too, finally, did the House, though with less grace, because Representative Good of Iowa disliked the appellation "footman," and wished to substitute "messenger who shall act," etc. After Mr. Good's motion had succumbed to a point of order, Representative Murdock of Kansas objected to the appropriation for "equipment for drivers," which he insisted meant "livery and nothing else," and said, emphatically; "I know the Secretary of State; I protest for him; I know the country from which he hails and its customs; we do not believe in that sort of thing out there." Nevertheless, since nobody seemed to know what is considered a suitable costume for a footman where footmen are unheard-of and the only cards known are euchre decks, the protest passed unheeded and the appropriation was made with but the one condition that "equipment" should not comprise "skin-tight pants." To meet all other objections, it is understood that the assistant driver will be designated as Fifth Assistant Secretary of State, to correspond with the traditional fifth wheel of a coach no less than with the other Assistant Secretaries whose names escape passing recollection.

The best point yet made in favor of the two-battleship programme was elicited by Assistant-Secretary Roosevelt, to whom five captains in the Navy replied that, in the event of a fight between one *Wyoming* and ten *Oregons* they would prefer to take the *Wyoming* for the quite simple reason that the twelve 50-caliber 12-inch guns of the dreadnaught would greatly outrange the old 35-caliber 13-inch guns of the *Oregons*, and the superior speed of the modern ship of 21 knots, as against the present speed of, say, 14½ knots of the *Oregons*, would enable the *Wyoming* to maintain a distance of ten or twelve thousand yards, well beyond the effective range of the old 13-inch pieces, and to silence or sink the ten *Oregons* one by one, or three or four at a time. In like manner, a really competent Assistant-Secretary of the Navy, such as Mr. Roosevelt has proved to be, could easily sink, though hardly silence, ten Secretaries of the antiquated type.

When our worthy and philosophical Vice-President urges every man to "kiss his [own] wife once a day as an act of good faith" he may not, as he believes, have presented a solution of the divorce problem, but none can deny that he exemplifies devotion to duty in most becoming fashion.

If Colonel Harvey of THE NORTH AMERICAN REVIEW wishes us to keep track of where he is at he ought to bring out the REVIEW in a weekly edition.—*St. Louis Globe-Democrat*.

Why not, now, really?

TAKING SOUNDINGS

BY DAVID JAYNE HILL

No one familiar with the political development of the United States can entertain a doubt that radical changes have occurred in the ideas and sentiments of the American people. In the December number of this REVIEW one aspect of these changes was briefly considered in an article on "The Crisis in Constitutionalism." Comments received on that subject confirm the impression that this is, in reality, the storm-center of contemporary movements—disclosing a conflict between fixed principles, on the one hand, and spontaneous impulses, on the other, in which the participants themselves do not always fully realize the rôle they are playing or the motives that actuate them.

In the period when our government was established it was the common conviction that there are some individual and personal rights so clear, so undeniable, and so worthy of protection that they should receive the most trustworthy guarantees that could possibly be accorded to them. In this spirit the early State Constitutions were conceived, as, for example, that of Massachusetts, which declared its object to be the establishment of "a government of laws and not of men"; and later the Federal Constitution, as finally agreed upon, the people insisting upon the explicit recognition of these rights in their fundamental law. By this they meant to set limits to every form of governmental power which might ever tend to invade these rights. Thus, for the first time in the history of the world, life, liberty, and property were intended to be placed under the protection of a law so inclusive that it would in the future bind all executives, all legislatures, and all courts.

A high authority in such matters in our country has suggested, with an evident intention of disparagement, that "the Constitution of the United States has been made under

the dominion of the Newtonian theory "; and adds that the men of that period " represent Congress, the Judiciary, and the President as a sort of imitation of the solar system." " The Constitution," he concludes, " was founded on the law of gravitation," which he considers purely mechanical.

There is truth in this simile; but it certainly does not justify the inference that, since " government is a living thing " and not merely a machine, " it is accountable to Darwin, not to Newton "; for whatever the biologic laws may be, if indeed it be possible to state them clearly, they have not superseded or rendered superfluous the law of gravitation. All living organisms that ever were, are, or are to be have been and will be subject to it; and, however varied, fecund, and marvelous the process of natural evolution may prove to be, we shall forever be obliged to go back to Newton and his *Principia* for an intelligible theory of the universe. In like manner, we shall be compelled to return to the great principles of human justice underlying the Constitution for a defensible theory of the State. We may have changed, but the law of gravitation still controls our footsteps; society may have changed, but the great principles of ethics are its only sure foundation; our ideas may have changed, but the laws of logic, by which alone they may be consistently co-ordinated, still remain unaltered.

Nevertheless, the notion that the present is a Darwinian rather than a Newtonian age is one full of illumination; but this notion does not warrant us in believing that Nature has changed her laws, or that these laws are changeable. It means simply that in our minds the process of change is receiving a degree of attention greater than in the past, and that by centering our thought upon the idea of transformation itself we may be losing sight both of the conditions upon which beneficial changes may depend and the results that may follow from our insistence upon radical action. Although it is true that we live in an age when the evolutionary process has taken a foremost place in our thoughts, it is important to remember that, so far as we know anything about it, it has never been a rapid process, and, in the Darwinian sense at least, has been an unconscious adjustment to natural conditions rather than a swift and purposeful transformation.

It is precisely here that the substitution of experiment for experience presents grave dangers. If we truly wish to be

wise, or—should that be more agreeable—if we wish to be rigorously scientific, what we should be concerned about is to know precisely why and how our existing political institutions came into being, rather than to engage in the exploitation of extemporized schemes for destroying them. In our country the danger of erring in this matter is greater than in almost any other, for the reason that we have less of the historic sense and more of the spirit of initiative than any other people. In private matters, and even in private associative action, this may be of little consequence; for failure to justify our theories by achievements involves nothing more serious than private loss or disappointment. In public matters, however, the substitution of impulses for deliberate reflection, of unrestrained action for measured powers, and of improvised schemes for settled principles becomes a danger of incalculable magnitude.

Those of us who distinguish between reason and emotion, between reflection and impulse, between world-experience and spasmodic action, believe that a fundamental law forbidding class, sectional, and inspirational legislation is the indispensable guarantee of personal liberty and the necessary basis of true social justice. We are opposed, openly and fearlessly, to those who, for private or alleged public reasons, would ruthlessly sweep it away. We are of the opinion that a non-Newtonian and otherwise undisciplined state of mind is a dangerous one for the well-being of the Republic. We freely admit that there are fewer purely personal motives for defending the work of the past than there are for initiating new and ill-considered schemes of public action. We do not forget that novelty pleases, and that conditions imposed by the past are often felt to be at fault when our misfortunes are in reality to be attributed to other causes. We are aware that those who seek the support and admiration of their fellow-citizens find it to their advantage to offer to them a Promised Land flowing with milk and honey. We realize also that the smug contentment of those who feel themselves beyond the reach of personal harm, and who say in their souls, "After us the deluge," constitutes an absolutely negligible quantity either for promoting needed reforms or resisting public evils. It is from the ethically minded and public-spirited men and women of the country alone that any interest in such questions is to be expected, or upon whom any dependence for unselfish action can be

placed. And yet it is worth while to take soundings, and to point out to those who have an open mind the perils by which we are confronted, and especially to leave on record for the future the fact that blindness and inertness were not universal in the period of demolition, if such a period shall follow, when the great work of our fathers is to be undone. It may be, after all, when public attention is turned to the facts, that the efforts of our time to wipe out and utterly efface the distinction between a fundamental law and ordinary legislation, and to place absolute and unlimited power in the hands of legislative majorities—or even, perchance, in the hands of popular minorities afforded control by the division of their fellow-citizens over minor matters—may yet be happily averted. But this cannot be, unless the danger is realized and united action is substituted for indifference.

The first and most important reflection to occupy our attention here is the fact that, in the observations of the press and in the private letters that have come to the writer regarding the “Crisis in Constitutionalism,” no one has denied that there is a widespread disposition to render easier the modification of the Constitution of the United States; yet no one has cited a single social reform worthy of serious consideration that necessitates a change in our fundamental law, or which cannot be carried into effect without a change. In this case the process of evolution is sought to be facilitated solely for its own sake. In brief, we should change our fundamental law, simply because it is a fundamental law, which may some time stand in the way of what a legislative majority may yet be impelled to do.

What is the nature of this contemplated legislation that finds itself obstructed by the Constitution? Strictly speaking, it is as yet too much in the state of fermentation to declare itself distinctly. If some of the purposes in view were clearly articulated, the radical nature of this legislation would be too apparent. The time has not come for a disclosure of its terms. Already the right of transmitting property by inheritance has been brought in question, and the right of the individual to possess more than a certain limited amount of wealth has been denied in high quarters. No one has ventured to draw the line at a definite point, either as respects possession or inheritance; or indicated any principle upon which the line could be drawn, where it

should begin, or where it should end. The one thing most certain is, that it would not end where it began.

When duly analyzed, it becomes apparent that in the process of social evolution a new conception of social justice has been formed. It has not come into being by any process of reasoning. It is a child of the emotions. Our fathers demanded just and equal laws. The modern theorist replies, "Equal laws, laws which apply alike and equally to all men, cannot be just." What is demanded is not "equal laws" but "laws of equalization." Equality of law merely gives the prize to industry, thrift, enterprise, and economy. It creates differences, and bestows a premium upon strength, skill, and talent. It is essentially aristocratic. It recognizes, promotes, and rewards superiority. It condemns and indirectly punishes incapacity. Under equal laws men cannot be equal. What is demanded is equality of condition. This can be attained only by new laws, laws which will distribute to each from the common stock according to his needs.

Two sophisms underlie this demand. The first is a new theory of the nature of wealth. The idea that the individual creates wealth and may rightly possess it, it is affirmed, is an erroneous eighteenth-century idea entertained by the founders of the American Republic. Wealth, on the contrary, is a social product; and, therefore, rightly considered, a social possession. Value is a relation between supply and demand. It is the presence of others that gives value to our possessions. Without them, there would be no value.

Plausible and seductive as this reasoning may seem, it is plainly founded upon misconception. Society as a whole never yet initiated, conducted, or brought to successful achievement any industrial process or any wealth-producing activity. It is always an individual, or a group of individuals, that does these things. It is, therefore, a wholly unwarranted assumption to affirm that the totality of wealth rightfully belongs to society as a whole. It belongs to those who by their enterprise, industry, and skill have produced it, or who by their abstinence from consuming it have kept it in existence.

The second sophism underlying the demand for unrestrained legislation is the assumption that, since society as a whole is the rightful owner of everything, there exists no individual right that is not based on social permission.

The origin of this conception of right, considered historically, is evident. All rights and all public powers were formerly centered in the ruler, who could grant them to others according to his good pleasure. When the ruler was a prince, the formula of government was, "The will of the prince is law." Now that the people have become the rulers, the formula has become, "The will of the people is law." The people may bestow and the people may take away, according to their good pleasure. In the passage from monarchy to democracy this conception of sovereign omnipotence has merely been transferred, but it has not been changed. Popular political thinking is still, in this respect, as crude and as fallacious as it was in the Middle Ages.

What constitutional government intended to do was to end forever the idea that there is any rightful depository of unlimited power; in brief, to destroy the error that *any one's will is law*, and to establish the principle that law is not a product of will, but a system of rules for the regulation of will derived from the authority of reason.

The problem which the framers of constitutions encountered was not merely the distribution of power, but the nature of public authority. Whence proceeds the right of an institution calling itself the State to impose its commands upon the individual members of human society? The answer given was, "There is no rightful authority, and no actual authority should be recognized, to deprive an individual of his inherent rights to life, liberty, and property." The State itself is subject to law—to its own fundamental law—by which it and all its organs are bound to respect and to safeguard the inherent rights of its citizens. If it should cease to do that, it would cease to be the State.

It is clear, therefore, that there is an inherent and inevitable antagonism between the idea that legislative power should be unrestricted and the idea of a fundamental law limiting the statutory power.

Let us note, then, the array of avowed purposes actuating radical constitutional changes and pressing for an easier method of modifying our fundamental law. I quote a series of public statements promulgated and advocated by persons more or less highly placed, and in some instances representing hundreds of thousands, and even millions, of supporters:

The Constitution of the United States was framed by and in the interests of a property-possessing class.

Property is rightfully the possession of society as a whole; when detained in private hands it becomes a permanent reward for a temporary service, or for no service at all.

The pretended right to transmit property from one generation to another is not a natural right.

Corporate properties should be valued according to their present cost of physical reproduction, and may rightly be taken over by the people upon that valuation.

The remuneration of the worker will be determined either by deeds or by needs, as may hereafter be decided; *but most certainly not* upon the basis of allowing him a reward according to the importance of his industrial product.

Employers, as such, have no right to exist. The aim of the employed should be a practice that will enable workers to assume, as the return for their labor, *the full control* of the various industries.

The idea of inalienable natural rights is an erroneous eighteenth-century conception. Men have *no rights*, except what society concedes to them by law.

No court should be permitted to nullify any act of a legislative body on the ground that it is unconstitutional.

Let it not be imagined that these are merely the sporadic expressions of wholly irresponsible persons, or the incoherent mutterings of discontented men. Some of these doctrines have been heard in sermons, some have been clipped from widely circulated periodicals, some have been quoted from serious books, and others are recorded as the solemn resolutions of influential bodies.

If we were engaged in a polemic rather than a merely expository task, it would be proper to specify the sources of these utterances and to make an attempt to refute them; but the present purpose is merely to indicate the elements of the leaven which is at present working among the people and affecting public opinion. If these propositions were merely academic theses designed to illustrate dialectic skill, or innocuous private judgments, like opinions regarding the beauty or meaning of a picture, they might well be passed over in silence; but, on the contrary, they are all of a pragmatic nature, involve the future status and interests of our fellow-citizens, and contemplate legal changes through public action. They supply precisely the kind of materials sought by those who, while aiming first of all at their own self-advancement, desire to appear as the advocates of forms of progress from which their followers may imagine themselves likely to receive a personal benefit.

Unfortunately some of these proposals assume a close connection with the aims of a pure and high-minded philanthropy which serves to conceal their sordid side and imparts to them a glamour of righteousness which they do not really possess. Our sympathies with poverty and suffering and our antipathy to cruelty and extortion are appealed to, and we are led to believe that nothing can be wrong which brings to terms those who have revolted our consciences by their avarice or inhumanity. We are not, in fact, called upon to spare the feelings of those who themselves spare neither manhood nor womanhood nor childhood in their expedients for extortion. But, on the other hand, we should be very untrue to the cause of humanity, as well as to the cause of justice, if, in our zeal to lift up the downtrodden and to support the weak, we should sweep away the basic guarantees upon which the whole edifice of justice is erected. Loyalty to humanity lays upon us a larger duty than the immediate destruction of some single evil, however monstrous it may seem to us. To cleanse and purify the temple, we do not need to create a conflagration; for, so far as just and needed social reforms are concerned, there is probably not a single one that requires for its accomplishment any radical change in a system of government by which we have progressively exterminated so many evils.

Nor can it be fairly asserted that constitutional government, as understood by our fathers, is of interest chiefly to the property-possessing class—particularly the large property-possessing portion of society. It has never been its aim to protect any particular class to the disadvantage of another; but, on the contrary, to see to it that there be no insurmountable barriers to block the way of human aspiration, with the result that there are few fortunes in our country the foundations of which were not laid by men who once worked for wages. As for the excessively great fortunes, their possessors are the least likely to be affected by any radical legislation, for they will always find a safe asylum in which to meditate upon their woes. It is the wage-earners and the organizers and administrators of wealth-producing enterprises whose hopes are threatened by encroachments upon our constitutional guarantees; for the prosperity of the great mass of our population is dependent upon a mutual confidence that industry will be suitably rewarded and enterprise enabled to prosper. Nothing could so effectively

check and permanently embarrass the creative forces of the country as the thought that the results of industry and enterprise will be exposed to future expropriation.

What is to become of superior skill or of superior power to organize and manage great industries, if laws of equalization are henceforth to be substituted for equal laws? Old men may placidly fold their hands and say to themselves, "Our work is accomplished, and we shall not be here when the coming cataclysm arrives"; but how are middle-aged men, and especially young men, to regard with equanimity the prospect of unrestrained legislation, based on the assumption that "everything belongs to society as a whole," that "the worker is not to be rewarded according to the importance of his industrial product," that "employers as such have no right to exist," and that "corporate properties"—built up by years of toil and sacrifice—"may be taken over by the people at their physical valuation"?

And what is to insure us against this legislation if the constitutional guarantees are swept away? What prospect have the young men of all classes, especially of the self-dependent classes, if some *imperium in imperio*, some purely voluntary and irresponsible organization within the State, is able to fill public offices with its candidates and through the control of legislative power impose its will upon every form of production, distribution, and consumption?

Is there any disposition tending in this direction? Is there any motive for pursuing it? Is there any power in existence, or likely to come into existence, that can assume full control of the various industries, dictate the hours and conditions of labor, the amount of the product, the agencies through which it shall be distributed, the rewards which each participant shall receive? If such a power came into being, what would be left of individual liberty, and what would be the value of each individual life? Would there be any open market in which a man might dispose of his own energies or his own wares at his own price? Would there be any possibility of existence except upon conditions laid down by the State, or by the *imperium in imperio* that controlled the State, or by the *junta* of persons permitted to wield the power in this machine within a machine?

What, then, becomes of the conception of society as a "living thing," of free citizenship, of personal liberty? And where is to be found the wisdom, the integrity, the

self-abnegation to give wholesome direction to this mechanism, composed of human beings fitted into wheels and pinions, and consumed to furnish its propelling power? Who would be responsible for that satisfaction of needs, that adjustment of capacities, that restraint of appetites, that stimulation of energies without which such a mechanism would be a mere lump of death?

And what, finally, would be the gain in such a state of human association, when each man proclaimed that the crusts remaining were "common property," withheld by their transient possessors from those who did not possess, with the cry, "We are taking that which is ours, for all is ours so long as there is a crumb!"

Only sporadically and occasionally, thanks to our traditions of respect for law and the constitutional system we have inherited, have we been afflicted with scenes of violence and open revolt, yet they have not been wholly wanting. But the spirit of revolt against the public order secured by our laws and their constitutional guarantees is frequently and very boldly expressed.

We want to get something for ourselves now, not for our grandchildren, said a paid propagandist of anti-constitutional principles in a public address recently in a Western city.

We can't accomplish much under our government [he continued], which is clumsy and impossible, almost hopeless. . . . Under it we can't pass any law of consequence interfering with vested rights. The Constitution, old, musty, and antiquated, is a barrier, with the Supreme Court all powerful. . . . We must get what we want by standing together. Do something radical.

Is there, then, no "crisis" in constitutionalism? Will the foes of the Constitution ultimately "get together"? It is not unlikely. Will its friends also get together? They will continue, perhaps, to group themselves about opposing standards chiefly concerned with minor matters, sometimes unconsciously allied with elements which they must finally disavow, until they perceive that a great menace to society has arisen. Then they will make haste to rally about the Constitution, as their fathers rallied about the Union when the gravity of a situation too long ignored compelled their attention. When will that be?

In the mean time is nothing to be done? The opposition to the Constitution is by no means attributable to the im-

portation of foreign blood. A high-school graduate, writing from a Western city, confides to me the change that he has experienced. He says:

My ancestors fought in 1776, in 1812, and in 1860-1865 for the establishment and defense of constitutional government. I entered the workaday world with a high regard for our Constitution and its guarantees and a deep and glowing patriotism. . . . I agree with you, sir, that a crisis is at hand in constitutionalism, and if those who still have faith in it will make some mighty concerted move to enforce its guarantees and fulfil its mandates of abstract righteousness, the situation may yet be saved; but for my part I do not think the number of those who honestly try to enforce constitutional guarantees is sufficient to warrant serious consideration. I, therefore, declare that I have no faith in either the Federal Constitution or its administrators, because neither it nor they secure me anything. . . . Could I do so, I would leave the flag and these hypocritical institutions before another day. . . . There is naught left for me to do save secretly to arm, if yet I may, and await the hour when a Francisco Villa shall arise on this side of the Rio Grande with the cry, "On to Washington!"

And what could possibly happen at Washington that would change this young man's state of mind, or the situation of which his frank expression is an index? What is needed is not so much anything to be done at Washington as something that might advantageously happen East, West, North, and South—a change in the attitude of men toward the idea of law and toward one another. It is always the individual who suffers. We cannot save or help him by any kind of mere class legislation. It is not to his advantage to make him dependent, to abridge his powers of self-help, or to take away his liberty of action so long as he does not injure others. We help him most when we leave him free to pass out of any class to which he may temporarily belong, when we inspire him with the idea of self-dependence, and when we secure to him the possession of what by his industry, skill, or enterprise he may honestly acquire. Let us help him, certainly, if he needs help; but not delude him with the error that more is rightly coming to him than he has ever earned, or frighten him with the dread that he can never come to his own. For sympathy, charity, good example, and unselfish public service there will always be room; but for the suppression of native powers, for public dictation based on arbitrary rules, for the assumption that society is more important than those who compose it, and for the expropriation of success for the relief of failure there is no place in a free republic.

DAVID JAYNE HILL.

DISTRUST OF STATE LEGISLATURES— THE CAUSE; THE REMEDY

BY EMMET O'NEAL, GOVERNOR OF ALABAMA

At the beginning of the Constitutional era in American history, a decided distrust of executive power was manifested. In the State constitutions of the Revolutionary period there was a marked tendency to enlarge the legislative power at the expense of the other departments of government. All important civil and military officers were elected by the Legislature, and that body exercised many of the administrative and executive functions of the Chief Magistrate. There were no restrictions upon legislative power or competency except such as might be found in the Bill of Rights or Federal Constitution. Madison declared in 1787 that "the Executives are little more than ciphers; the legislatures are omnipotent."

Following that period, students of our State governments will discover a gradual, but steady, tendency to withdraw from our legislatures all their executive and administrative powers and to restore them to the Governor or the electorate. Even before the Civil War, although the Legislature was the regulating and controlling force in most of the State governments, we can but discern in all the new constitutions and all amendments of those in existence an unmistakable manifestation of a tendency to limit legislative power. The reaction toward democracy which swept over the country during the early part of the last century served to curtail the power of appointment both by the Legislature and by the Governor and lodge it in the people.

After the close of the Civil War, distrust of the Legislature became more evident, and since that period this distrust has almost ripened into open hostility. Mr. Lecky states that a growing distrust and contempt for representa-

tive bodies has been one of the most characteristic features of the closing years of the nineteenth century, and Mr. Dicey declares that "Faith in parliaments has undergone an eclipse. In proportion as the arm of representative government has extended, so the moral authority and prestige of representative government has diminished."

However harsh these criticisms may seem, however much they may clash with our preconceived views of representative government, candor compels the impartial observer to admit that the efficiency and character of State legislatures has been lowered and that general distrust has succeeded what at one time was universal and unreserved confidence. This distrust has in many States grown into open contempt for our lawmaking bodies. In many, if not a majority, of the States, a session of the Legislature is looked upon as something in the nature of an unavoidable public calamity. Business becomes alarmed, industrial development and investment are checked, and there is a general apprehension that the results of the legislative session, instead of being beneficial, will be injurious to the public interests.

Disappointment with the results which our legislatures have achieved has unquestionably created a general distrust, which has found expression in every modern State constitution in numerous prohibitions, restrictions, and limitations on the legislative power. The methods by which the State legislatures have been shorn of their authority and competency may be briefly summarized as follows:

First, we have attempted to lessen legislative activity and to check the ever-increasing flood of legislative enactments by limiting the duration of legislative sessions and making them less frequent;

Second, we have defined and regulated in the most minute details each step in legislative procedure, in order to avoid hasty, ill-considered, badly framed, or unnecessary legislation;

Third, we have undertaken to check the increasing volume of local and special laws by specific prohibitions and by requiring general laws for the protection of local and private interests;

Fourth, we have created a veto power and largely extended its uses;

Fifth, we have provided express limitations on legislative power as to the subject-matter of laws, and have there-

by opened an ever-increasing domain of judicial construction and controversy;

Sixth, the favorite method of restricting legislative authority, responsibility, and competency is found in the recent tendency to incorporate ordinary legislation in State constitutions—circumscribing by the most narrow limits the extent of legislative power, the means by which it can be exercised, and minute definitions of the organization and functions of the various branches of government—the necessary results of which have been to greatly increase the power of the judiciary over legislation;

Seventh, express prohibition of legislation on certain subjects;

Eighth, by the adoption of the initiative and referendum, not only as to matters of constitutional revision, but the ordinary legislation of State-wide interest.

Yet, notwithstanding these various methods adopted to increase the efficiency and tone of our legislative bodies, we are forced to admit that they have largely failed to improve the legislative output. Local legislation has been lessened, but by various devices legislatures have found ways to evade and nullify the prohibitions which the recent constitutions may have established. Moreover, candor compels us to admit that restrictions on local legislation have in many cases worked unnecessary hardship and have been the prolific source of litigation in the courts. Careful students of the workings of our State legislatures have reached the conclusion that legislative inefficiency has been increased rather than diminished in proportion as legislative power and responsibility have been lessened. It would seem that many of the remedies we have adopted to prevent ill-considered legislation and to protect the public against the baleful influences of special interests have only served to increase the evils we sought to remedy.

The most generally accepted and radical measure employed by the States to relieve and check the inefficiency and corruption of legislative bodies has been the biennial session. In the early part of the nineteenth century, the legislatures met annually, and there was no restriction upon the length of their sessions. Although formerly annual sessions were the common practice, at present only six States allow their legislatures to meet every year. One Southern

State, despairing of legislative reform, allows its Legislature to meet only once in four years. Another State (Mississippi) has its regular session quadrennially, but provides for a special session every alternate year, limiting legislation to such subjects as may be presented by the message of the Governor.

James Bryce says the American people reason thus: "Since the Legislature is very far gone from righteousness and of its own nature inclined to do evil, the less chance it has of doing evil, the better. If it meets, it will pass bad laws. Let us, therefore, prevent it from meeting." If this argument is sound—if the evils of legislation are incurable—if we who claim to be the leaders in popular government despair of devising any system by which bad laws can be prevented—why, it may be asked, should we take any chances by permitting the Legislature to be assembled at all? Instead of mitigating the evils of legislative activity by making them intermittent, why should we not abolish the Legislature and adopt the suggestion now seriously proposed, of committing the lawmaking power to a commission of experts? These suggestions, which follow as a logical sequence of the evident distrust of legislative bodies, so marked a phenomenon of modern political thought, it has been correctly declared, is rather a humiliating position for a self-governing democracy to take. The whole argument in favor of biennial sessions is evidently based on the assumption that because our legislatures have passed bad laws, have often proven corrupt, have many times flagrantly betrayed the interests of their constituents, and have allowed public-service and favor-seeking corporations and other great industrial enterprises to secure franchises, privileges, and exemptions detrimental to the public welfare, and have converted our lawmaking bodies into agencies of class advantage and personal profit, representative government has proven a failure, and that all efforts to reform or improve conditions are hopeless.

This is the language of despair, and the conclusion is not as correct as it may seem obvious. The corruption and incompetence of many of our legislatures may be admitted; but it does not necessarily follow that the people can never trust their representatives to serve them honestly and efficiently. It does not follow that the whole system should be condemned because many individual legislators have betrayed their

trust; on the contrary, an impartial study and analysis of the causes of legislative inefficiency and corruption will show that they are due to defective methods of procedure and organization—to the autocratic and dangerous powers invested in speakers and committees—to unwise restrictions on legislative responsibility—to the action of Constitutional Conventions in hedging legislative power with too many limitations, lowering the standard of membership, and discouraging men of talent and public spirit from seeking legislative membership—to the opportunities which our legislative organization, rules, and methods of procedure furnish to machine politicians and political bosses and selfish special interests to acquire control. It will be found that the legislatures have been more corrupt and more incompetent in exactly the same proportion that they have been increasingly deprived of power and their responsibility restricted.

But the chief argument in favor of biennial meetings of the Legislature with limited sessions is that it will serve to check legislative activity and prevent the enactment of unwise, hasty, and ill-considered legislation. No one will deny that in all the States of the Union, with their increasing population, industrial and economic development and wealth, legislation on various subjects is absolutely necessary, and that many laws require revision and modification; but the evil feared, and which it was proposed to eliminate, was the passage and repeal of too many laws, by means of greater deliberation and consideration of all matters of legislation. Yet, paradoxical as it may seem, the remedy has proven to be the chief cause of the evil we have sought to avoid.

If every measure of general importance offered in the Legislature was submitted to the search-light of full and free discussion, if committee meetings were open and full records kept of their action, and the present dark-lantern methods and concealments which characterize such meetings were abolished, it would necessarily follow that many laws which upon their introduction seemingly had the support of a majority of the Legislature and were apparently sustained by public opinion would be allowed by general consent to slumber indefinitely in the files of the committee-room. It being admitted that insufficient time for investigation, inadequate machinery, absence of notice to parties affected, unseemly haste and want of method are the chief causes of bad legislation, how can it be seriously

claimed that these evils will be cured by adopting the very system by which they are produced or intensified? With what logic or consistency can we advocate a legislative system which produces the very evils which we seek to avoid? Biennial sessions only increase legislative pressure.

The Constitutional Convention of Alabama of 1901, not content with biennial sessions of the Legislature, undertook to carry still further the policy of restricting legislative activity by providing that the Legislature should meet in regular session only once in every four years, and by limiting the time of such session to fifty legislative days. A review of the causes that induced so radical a change, as well as the practical workings of the quadrennial system since its adoption, would not only be instructive, but would serve to show that the quadrennial only intensified the evils of the biennial system.

From the date of its admission as a State till the adoption of the Constitution in 1875, the Legislature of Alabama met annually. The most notable change which was effected by that Constitution was the establishment of biennial sessions limited to sixty legislative days. Notwithstanding the restrictions upon legislative competency and legislative activity provided by the Constitution of 1875, it was found, when the Constitutional Convention of 1901 assembled, that the biennial session, limited to sixty days, had not checked or lessened, but rather increased, the volume of legislative enactments. Hence the Constitutional Convention of 1901, in a spirit of impatience, disappointed by the results of the biennial session, boldly embarked the State upon a new and untried experiment—that of quadrennial sessions of the Legislature limited to fifty days. If intermissions of two years in the meeting of the lawmaking body could not put a stop to excessive legislative activity, it was vainly believed that by increasing the interval from two to four years we could find the panacea for all of our legislative ills. Not only did the framers of the Alabama Constitution of 1901 introduce the quadrennial system, but distrust of the Legislature was further evidenced by narrowing the field of legislative action by increased restrictions upon the methods of procedure in the enactment of laws and by express prohibitions of local legislation on certain designated subjects. Yet, while the prohibitions contained in this Constitution have largely checked the volume of local laws and

have elevated the tone of the Legislature, it cannot be denied that it has also resulted in largely increasing litigation in the courts, and its provisions have often been avoided by legislative subterfuges and devices.

The principal argument in favor of the quadrennial session was incorporated in the report of the chairman of the committee on the legislative department. It said that, "in view of the prohibition to be placed on the legislative power to pass local laws, there will hereafter be neither a demand nor a necessity for biennial sessions." The report then proceeds to say: "The change is recommended on the additional ground that it will prevent hasty and ill-advised attempts to repeal general laws before they have been long enough in force to admit a fair test of their merits, and it will also conduce, by removing early opportunity for repeal, to mature and careful deliberation by the Legislature."

Unfortunately, these predictions failed of verification by the test of actual experience. The prohibition of local legislation did not result in lessening the demand for general legislation. Instead of preventing, the quadrennial system has proven to be the most prolific source yet devised for hasty and ill-considered legislation. The vice of the system was that it denied the people for four years the right to repeal or revise vicious or unwise legislation. The right of the people to self-government was suspended for four years, and during that period they were forced to endure without remedy the evil effects of any bad laws that might exist upon the statute-books.

The most unmistakable evidence, however, of popular distrust of State legislatures is found in the rapid growth of the initiative and referendum. President Wilson said in 1911: "If we felt that we had genuine representative government in our State legislatures, no one would propose the initiative and referendum in America."

Technically, we have representative government, for the members of the Legislature are elected by the people, under the provisions of our constitutions. Yet we know that in many States, as has been truly said, "the legislatures act under conditions which make them the agents of the special interests rather than representatives of the people." Yet no advocate of the initiative and referendum has ever contended that its purpose was to supplant the State legislature. It was intended, to use an expression of President

Wilson, more as a "gun behind the door," to be used in an emergency, when the delegates elected by the people had flagrantly betrayed their trusts. The initiative and referendum, therefore, is merely a palliative—a temporary, and not a permanent, remedy. It cannot be substituted for the Legislature, for the people will have neither the time, the inclination, nor the interest to consider the vast mass of legislation which every growing and prosperous State demands. The initiative and referendum must necessarily be confined to those subjects of State-wide interest as to which popular opinion can be ascertained. As Mr. Bryce correctly says, "Whatever may be the advantages, the demerits of the system are evident." It transfers from official lawmakers, acting under the solemnity and responsibility of their oath of office, the function of lawmaking to non-official lawmakers. Moreover, no one can deny that the effect of the system can but result in lowering the tone, lessening the authority, and largely destroying that sense of individual initiative so necessary for efficient legislation.

We complain of too much legislation; yet he has studied the subject in vain who does not recognize that excessive legislative activity is one of the necessary and spontaneous evolutions of modern conditions. An examination of the ever-increasing volume of laws passed in the last quarter of a century shows beyond question that this legislative activity is of modern origin. While local and special laws have increased, general laws have also grown apace. Not only have the codes and statutes of every State been correspondingly increased, but the press is annually pouring forth a still larger body of reports and legal works. This increasing stream of legislation is confined to no particular State in the Union. It is to be attributed largely to the enormous business and industrial development of modern times. To adjust the relations of modern life to the conditions they have created, a vast body of statute-law has necessarily grown up—statutes defining the rights, duties, and liabilities of telephone and telegraph companies, automobiles, wireless telegrams, bicycles, transmission of power by electricity, public-service corporations, and the various inventions of modern times, alone constituting a formidable code of laws. Hence, modern activity in legislation is necessary, that the laws may keep pace with business, material, agricultural, and mechanical development and discovery.

It is the part of wise statesmanship, therefore, to recognize that modern conditions have enormously enlarged the field of legislative activity, that every State must have a lawmaking body, and that all the remedies we have adopted to secure legislation which expresses the calm and deliberate judgment of the people are intended to reform, and not to destroy, representative government. What our State governments need is, not to sap the Legislature of its powers, but to "reorganize it along simple lines and make it the real organ of public opinion."

Ours is a dual form of government. Our wonderful growth from a mere fringe of States bordering the Atlantic into a great and powerful republic was not due so much to the stimulating effect of the central authority as to the principles of local self-government, under which our States have grown into populous and mighty commonwealths. The State legislatures more directly concern and affect the people than any other agency of government, and it is upon them that we must continue to rely for all the more important measures of self-government. The whole field of law is theirs—the regulation of domestic relations, of employer and employee, the adjustment of property rights, the definition and punishment of crimes, the regulation and establishment of corporations, the entire domain of contract, and the wider domain of commercial and municipal law. It has been truly said that there is one fact that stands out in bold relief in the political history of the world—the fact that central power is not vitalizing, and that to strip the States of their powers and transfer them to the general government would be a fatal blow to our economic and political growth. The lessons of history teach us that those governments which have longest survived and longest enjoyed the blessings of free institutions are the governments which have sacredly preserved and maintained the principle of local self-government. We should not permit our distrust of State legislatures to lead us to the conviction that their reform is hopeless and that our only recourse is their abolition and the adoption of some other system. Let us, therefore, ascertain what are the causes of this distrust of our State legislatures; and, having learned the causes, we will find that they are not fundamental, but can be cured by applying the proper remedies.

One of the strongest objections to our legislatures as now

constituted is that the members represent only localities and are more concerned in promoting local legislation than in enacting necessary laws for the State at large. Under the system that prevails in nearly every State, the member must be a resident either of the district or of the county. It would unquestionably elevate the tone and character of a State Legislature if a certain proportion of its members were elected from the State at large, regardless of their geographical location. Such a radical change, however, would require amendments of the State constitutions.

It is claimed that there has been a steady decline in the average standard of ability, independence, and intelligence of the membership of our State legislatures. That this is true, students of our government all agree. This decline may be due to some extent to the fact that the Federal Government has been gradually absorbing the reserved rights of the States, that State pride has lost some of its potent force, and that the central government is becoming the Mecca to which we are getting accustomed to look for the realization of our hopes of better government. There is no longer a leisure class in the country. In the South, in ante-bellum days, the ablest men in the State sat in legislative halls. State pride was more vital. The preservation of States' rights was the paramount question of the day, and hence our leading men, with settled incomes and abundant leisure, could afford to give their time and service to the State. Conditions, however, have changed. The present salary in almost every Legislature is utterly inadequate. It would be better for the State to invite free service from her citizens than the miserable pittance she now offers. It is too often the case that the leading candidates are young men just commencing their careers, or professional politicians who hope to find in legislative halls an avenue to political preferment. The reorganization of our legislatures should be accompanied with the payment of salaries sufficient to command the services of the ablest men in the State, and the membership diminished rather than increased.

The methods which prevail in committees have also tended largely to destroy confidence in our lawmaking bodies. In the reorganization of the Legislature we should require that all committee hearings should be open to the public, that a journal should be kept to record the names of all

who appear in advocacy or opposition to each measure, as well as the votes of every member of the committee. The legislative rules which prevail in some States require a two-thirds vote of either the House or the Senate to recall a bill from a committee. This puts it in the power of a committee to dominate legislation, and to defeat the public will, on important measures. This rule, wherever it exists, should be changed.

Another defect in our methods of legislation is that there is no central responsible authority which can be held accountable for the laws which are enacted. There should be a parliamentary draftsman of skill and experience employed in each State, to whom every bill should be submitted before introduction. However, it would tend to restrict unnecessary legislation if all bills introduced by individual members should be required to be first submitted to a picked committee before being placed on the calendar.

There is but one remedy for this want of responsibility for legislation, and that is to increase the powers and duties of the Executive. As President Wilson has wisely stated, the people demand leadership. They look to the Governor, and not to the individual members of the Legislature, for such measures as the economic or political or social conditions of the State may require, and judge his administration by his success or failure in securing the enactment of necessary laws. Under the Constitution of nearly every State the Governor is a part of the lawmaking power and can recommend to the Legislature for its consideration such measures as he may deem expedient. Eminent authority has held that these recommendations can take the form of a bill, if the Governor should so elect. In revising our Constitutions it would be well to define this power more clearly, to authorize the Governor to present, if he saw proper, his recommendations in the form of bills, and to give these bills precedence in the consideration of the Legislature. It might be well to allow the Governor to be represented in the Legislature, either in person or by some official whom he might designate, with full power to present and discuss the measures presented, but without the power to vote.

Another step forward might be secured by adopting the English system, by which all bills of a local, special, or private nature should be submitted, only after proper notice,

to a select body of experts, lawyers of training and experience, employed at an annual salary by the State, and whose report, after full hearing of all parties interested, should finally determine whether such bills should be introduced or rejected.

The membership of our legislatures should be decreased, and the practice of giving representatives to each county should be abandoned. With a certain number of the members representing the State at large, the other members should be elected from districts, according to population.

We should abandon the biennial and quadrennial systems, and restore the State legislatures, as far as possible, to their full constitutional vigor. The tendency toward making the Constitution a code of statutory laws, instead of a framework of the fundamental principles of government, should be abandoned. Our constitutions are too rigid, and while the incorporation of statutory enactments in the fundamental law may serve to guard against the follies or caprices of the Legislature, it also puts a check and restraint upon the power of the people to govern themselves. Not only should the biennial and quadrennial systems be abolished, but the limitations now placed upon the duration of legislative sessions should be abandoned, and the members of the Lower House elected every two years. There is less alarm or apprehension in those States which have annual sessions of the Legislature at the convening of the lawmaking body than in those where the biennial or quadrennial system prevails. With abundant time to carefully consider and debate every important question presented, it would be discovered that the legislative output would be diminished rather than increased.

The veto power of the Governor should be extended, and his negative should not be overcome except by a two-thirds or three-fifths vote of the Legislature.

Another evil which should be cured is the tendency to enact the principal volume of State legislation during the closing days of the legislative session. In most of the States the larger proportion of important bills are passed during the closing hours of the Legislature, and all this mass of legislation is at one time rushed to the Governor's desk for his examination. With the limited time allowed by most State constitutions for the exercise of the veto power, it is utterly impossible for the Governor of the State, with his

other important duties, to give proper scrutiny, examination, and consideration to this large body of bills that pour into his office at one time. It is evident, therefore, that if the executive veto is to be efficient and a check against unnecessary, capricious, or unwise legislation, the time within which the veto power can be exercised should be extended.

The legislative journals furnish very meager information, and it is very difficult by their examination to ascertain the responsibility of each member for the laws that are enacted. The publication, therefore, of a stenographic report of the debates would keep the public fully informed as to the record of each member, and furnish a simple method by which responsibility for each law could be readily ascertained. Publicity is the most efficient remedy for many of the evils of legislative assemblies. Such a publication would tend to make the individual legislator more careful in the discharge of his important duties.

Each State constitution should provide that no member of the Legislature should be eligible for election or appointment to any State, county, or municipal office during the term for which he is elected. Such a provision would tend to confine the attention of legislators to the proper discharge of the duties of their office, and free them from any improper influences the Executive might exert by the use of the appointing power, as well as relieve the Governor from the embarrassment which generally results from applications for appointment by members of the Legislature.

There is no doubt of the fact that in the future the voter will retain a more direct control over legislation than has heretofore existed. The theory that every citizen should be allowed to become a lawmaker, to formulate untried legislative projects or experiments and have them put in force by the affirmative vote of the electorate, is more plausible than practical. The submission of certain general questions as to State policy or organization to popular decision may tend to better government, but it cannot be denied that certain portions of the work of government must continue to be delegated to certain picked and chosen representatives of the people. Notwithstanding all experiments in legislation which may be undertaken by the masses in their primary capacity, it is upon the State Legislature we must continue to rely as the most efficient agent the wisdom and experience

of men has yet devised for all the processes of self-government.

Foreign commentators have declared that the chief weakness of our State governments is the absence of a centralized responsible authority. Hence, in any reform of our legislative department we may undertake there are but two courses open. We must either subordinate the executive authority to the Legislature, as was done in the early period of American State governments, or enlarge the power and responsibility of the Chief Executive. After an experience of over a hundred years the American people would be unwilling to return to the repudiated system of legislative omnipotence in the executive and administrative affairs of the State. The modern tendency to increase executive power is but the evolution of government—the result of experience and the study of the practical workings of our system.

Under the present system in every State in the Union, any member of the Legislature can introduce any bill on any subject he pleases. In fact, the newly elected member generally believes that the number of bills he introduces is the highest proof of his capacity and usefulness as a legislator. In the German Reichstag it requires a vote of fifteen members to introduce a bill that does not come from the Government. It might be claimed that any restriction of the right of the member to offer as many bills as he pleases would be trenching upon his functions and privileges as a representative of the people. Yet, at least, he should be required to furnish with his bill a memorandum showing what organization or interest suggested it, the purposes sought to be accomplished, and a brief statement of its provisions, as a condition precedent to its reference to a committee. It has been suggested that the establishment of a schedule of legislative fees to be paid to the State Treasurer for the privilege of introducing bills, especially of a private or local character, would largely tend to check the passage of vicious or unnecessary laws.

The great mass of bills introduced into our legislatures are generally inspired by some private interest—some favor-seeking corporation—and really seek to secure some exemption, privilege, or franchise for partisan or private gain. Some bills are suggested by the Governor or some body of reformers, but the mass of such bills are generally imposed upon the Legislature by outside sources inspired by per-

sonal interest. The Constitution of Alabama allows the Governor the power to amend any bill submitted for his approval. The amendment is in the nature of a veto. He returns a bill without his approval, but states what amendments would remove his objections. The House to which it is sent may pass the bill as so amended and send it with the Governor's message to the other House, which may adopt but cannot amend the Governor's amendment; and both Houses concurring, the bill as amended is sent to the Governor for his approval. This is a most important and far-reaching power. If a bad law is passed, the Governor is generally held responsible at the bar of public opinion, and hence he should be armed with this power to amend, by the provisions of every State constitution, and his amendment should not be overcome by less than a two-thirds or three-fifths vote. This increase of the power of the executive would tend to better legislation and make him directly responsible to the people for the laws enacted during his administration.

After a careful review of the causes which have created distrust of State legislatures we can but reach the conclusion that these causes can be removed; and that, while we are apt to grow impatient and to despair of legislative reform, we can but recognize that by annual sessions, by the payment of adequate annual salaries, by reform in our methods of procedure, by decreasing the membership of our legislative bodies, by removing from a portion of the membership the narrow and provincial prejudices which the present method of election from counties or districts creates, by enlarging the veto power of the Governor as well as his responsibility and power to mold legislation, we can increase the sense of legislative responsibility and elevate the standard of efficiency of our lawmaking bodies. We should not despair. There are no problems of government which the genius and intelligence of the American people cannot solve. Every State must have a lawmaking body. "A government must have organs; it cannot act inorganically by masses." We should not forget, while the average Legislature in many instances has forfeited public confidence, has made many blunders and mistakes, that, looking back over the history of the States since the organization of the government, we will find that their statute-books are replete with wise and beneficent laws, under which their growth, advancement, ma-

terial and social development have been without precedent.

If State constitutions stand in the way of necessary reforms, let those constitutions be amended. Let no narrow spirit of conservatism check us in our efforts to make our State governments more efficient, more responsive to the calm and deliberate judgment of the people—governments which not only establish justice and insure domestic tranquillity, but which secure the blessings of liberty regulated by law. We should seek to restore the legislative department to its full constitutional vigor as one of the most important of the co-ordinate departments of government. We should not undertake to abolish, but rather to reform, our lawmaking bodies. We should seek rather to elevate the tone of our legislatures, to increase the ability and character of their membership, to remove the causes which have created public distrust, to strike off all unnecessary shackles on legislative action, and to make our State legislatures what they were intended to be—deliberative assemblies, not timid or vacillating, swayed by every temporary breeze or popular clamor, but one of the most important of the co-ordinate departments of government, jealous of their powers, preserving the freedom of debate, allowing ample time for deliberation, investigation, and public hearings, ready and willing to assume every responsibility imposed by the Constitution, wisely progressive, but not embarking the State upon every “half-baked” legislative experiment, representing the thoughtful opinion of the people, composed of men uninfluenced by power and lust of office, engaged in the serious affairs of State concern, and in whose judgment, patriotism, and wisdom we can once more repose perfect confidence. With legislatures so constituted, the public-spirited and energetic men of every community would eagerly seek legislative service, and the State legislatures would become what our fathers designed them to be—“sensitive and efficient instruments for the creation and realization of opinion,” which is, after all, the real purpose of constitutional government.

EMMET O'NEAL.

REPUBLICAN-PROGRESSIVE FUSION IMPOSSIBLE

BY MEDILL McCORMICK

FORMER JUDGE GROSSCUP's argument for Republican-Progressive fusion published in the March number of *THE NORTH AMERICAN REVIEW* should be supplemented by a consideration of the difficulties of organizing a party representing the elements comprised in the Progressive and Republican parties of 1912.

The American system of government and the elaborateness of our electoral machinery make political coalition and political fusion more difficult here than in other countries. The election of a single executive tends, first to hold men of varied views within uneasy party bonds, but, secondly, to prevent the organization of parliamentary coalitions such as are common in continental Europe, and such a one as today supports the British Government.

For this reason, during a long period, men holding almost irreconcilable opinions joined in Republican conventions, wrote themselves down in the Congressional Directory as Republican, entered Republican caucuses, just as Mr. Wilson and Mr. Sullivan, Mr. Bryan, and Mr. Taggart, Mr. Brandeis, and Mr. Murphy are among the conspicuous leaders of the Democratic party.

This difference among Republicans found its first expression through the Insurgent group in the House, and later through the united action of the progressive Republican group in the Senate.

The campaign for the Republican Presidential nomination which followed, was but the logical outcome of the split in the House and the Senate. The personalities of two men could not have aroused the interest and the passion which marked the primary fights in Illinois, Ohio, Pennsylvania,

Massachusetts, New Jersey, and elsewhere, nor could they have been the sole cause of the events in the Republican National Convention of 1912, the organization of the Progressive party, and the nomination of Progressive candidates for State and Congressional offices in 1912. We hear, of course, that Mr. Prendergast, who did not receive the Progressive nomination for Governor of New York in 1912, has gone back to the Republican party. We hear, likewise, that Mr. Walker, who was the Republican candidate for Governor of Massachusetts in that year, has transferred his allegiance to the Progressive party. In West Virginia the Republican State Committee and part of the Progressive State Committee seem to have decided upon common action within the State "without prejudice to separate interests in national politics." But, on the other hand, in Oklahoma, Nebraska, and South Dakota steps have been taken for the first time to organize the Progressive party as a separate political entity, with candidates for all offices for which partisan nominations usually are made.

In 1912 the nomination of Congressional candidates on the Progressive ticket was the exception. In 1914 Progressives will be nominated for Congress in all districts where nominations are made by both old parties, and in some districts in the South where Republican nominations are not usually made.

Forty of the Republican National Committeemen (whom Progressives believe defrauded them of the right to nominate a candidate and to write a platform in 1912, or whom Republicans believe preserved the party from capture by the radicals) remain members of the Republican National Committee. The Progressive National Committee is composed chiefly of men who bitterly, but unsuccessfully, resisted the action of this same Republican National Committee in 1912.

The indications are, then, that there is a more complete organized difference between the two parties in 1914 than there was in 1912.

Judge Grosseup suggests that the Republican National Committee call a joint convention of the two parties in 1916, and that in States like Illinois, Pennsylvania, and New York "some well-known man of liberal tendencies . . . come out for the nomination for Senator at the primaries of both parties." His proposals are based upon the assumption that it will be possible to draft a political programme upon

which Republicans and Progressives can be united. There are two obstacles in the way of the consummation of Judge Grosscup's proposals—the present legal constitution of the parties and the widely divergent views of many Republicans and many Progressives. Although he be learned in the law, Judge Grosscup forgets that in his own State of Illinois no one may be a candidate in the primaries of two parties or the nominee of more than one party. This is true in the majority of States in which primaries are established by statute. The legal organization of parties during the last decade did not contemplate the creation or existence of a new party of the first importance, nor the possibility or the desirability of fusion. The lack of party flexibility in many States prohibits not merely the nomination of candidates for the Senate along the lines suggested by Judge Grosscup, but affects the constitution of national conventions and the election of delegates thereto. Delegates to national conventions to be elected in legal primaries, in States like California, Massachusetts, Ohio, or Illinois, must first become candidates before the people in the primary election established by statute, and in such primaries avow themselves to be candidates, belonging to a regularly recognized party, proposing to nominate a certain named aspirant for a Presidential nomination. A Republican-Progressive or a Progressive-Republican convention, called by the Republican National Committee, as Judge Grosscup would have it called, would have to include *two sets* of delegates thus separately elected as Progressives and as Republicans, or it would have to be composed of delegates whose original popular mandate came from local *mass* conventions.

Not to be hypercritical, is it probable that Progressives would care to engage with Republicans in a contest for delegates, elected by mass conventions, while the memory of the disposition of the contests of 1912 by the Republican National Committee still lives?

But let us assume that, although there will be no candidates for conspicuous offices in 1914 nominated by both the Progressive and the Republican parties, and although the difficulty of assembling delegates of both parties in a common national convention is apparently insurmountable, the technical means for bringing together such representative delegates can be found. Their coming together would be for the purpose of uniting upon a Presidential and

a Vice-Presidential candidate and of adopting a common platform. Before we consider their differences in programme, I ought to point out that in a recent article Mr. Taft said that the chief object of the Republican party should be to defeat the Progressive party, and that some time since Mr. Roosevelt said that the condition of amalgamation must be the political banishment of the leading members of the Republican National Committee and the adoption of the Progressive platform by the Republican party. It may be said that the views of the two Presidential candidates should not be controlling, but confessedly they are representative of elements within the two parties.

What then can be found in the two platforms as a basis for political union? What, if any, are the irreconcilable differences between the Progressive and the Republican platforms?

Judge Grosscup's purpose in proposing fusion is to organize a "fighting opposition" to the Democratic trust programme and to check the political radicalism toward which he feels certain extreme Progressives would lead us. He sees in the Democratic trust programme now under consideration in Congress an attempt to enforce a return to unrestricted competition which will bring upon us grave financial depression, because it is incompetent for purposes of modern production. He does not say specifically what trust programme would unite Republicans and Progressives. His article, doubtless, was written before the recent epistolary exchange between Senator Borah and Mr. Perkins, but even so, it is possible that he has in mind a system of regulated competition and regulated co-operation for which President Van Hise of the University of Wisconsin is the principal spokesman. One may disagree with Mr. George W. Perkins that the Steel Corporation can be defended successfully before the bar of public opinion and still hold that under government supervision, through a powerful commission, there can be co-operation between corporations and between men in trade-unions, of benefit to the public as well as to the unions or the corporations.

Let us, for the sake of argument, assume that it will be possible for a majority of the opposition to Democracy to agree upon such a trust programme as alternative to Mr. Wilson's.

It was the Aldrich tariff bill which precipitated the re-

bellion against the controlling organization of the Republican party. It is certain that within a generation we shall not see another "robber" tariff. Republicans and Progressives alike are opposed to the actual Democratic tariff, and although they differ as between the two parties and as between the localities which they represent regarding the degree of protection desired, yet it is conceivable that Republicans and Progressives could unite in a demand for more protection than is afforded by the Underwood law, to be secured only after investigation and report by a competent and non-partisan tariff commission. Doubtless the two parties now could unite in a hearty condemnation of the Democratic civil service record, alike in its diplomatic and domestic appointments. Doubtless they could unite in reprobation of its Mexican and Philippine policies. But could they unite on the economic and political reforms which first were widely agitated in the last campaign? Could Mr. Taft's followers, horrified at the suggested recall of judges and of judicial decisions, find common ground with the advocates of these profanations of the judiciary? To be sure, Senator Crawford of South Dakota is running for a renomination in a Republican primary, upon a platform demanding the recall of decisions. To be sure the recall of decisions has been approved by a Republican convention in Oklahoma, and has been incorporated in the constitution of Colorado. The recall now is applicable to the judiciary in Arizona, California, Oregon, and Washington. But is it conceivable that Mr. Taft and his horrified following would ever consent to an approval either of the recall of judges or of decisions? There would be a difference of opinion over the Progressives' purpose to make easier the amendment of the National Constitution, almost as sharp as that over the principle of the recall, and this would be true of the whole Progressive programme for democratizing governments, State as well as National, whether through the extension of primaries or through the adoption of the initiative and referendum, although Progressives, generally, are prepared to adopt measures to protect the use of the initiative as suggested by the experience of some States in which the initiative has been abused.

Of the five or six devices which the Progressives propose for rendering American government more responsive, and therefore more responsible, the short ballot is the only one

which would not arouse sharp contention between a majority of the conspicuous members of the Progressive and Republican parties.

The political programme of the Progressives has for its purpose, of course, the adoption of an economic programme which in the past has been obstructed by the control of governmental machinery by interests opposed to drastic economic reforms. The economic struggles of the last twenty years have raged about the currency, the tariff, and the trusts, but for the time being the currency almost wholly, and the tariff to a considerable degree, have ceased to be contentious matters of the very first importance, the Progressives holding that the settlement of the trust problem by no means reaches the root of the economic troubles of the country. Like the Democrats, the Progressives demand an income tax. They believe in its graduation, but, unlike the Democrats, they advocate an inheritance tax, in addition to an income tax, not merely for the purpose of raising revenues, but to discourage, if not actually to prevent, the transmission of swollen fortunes from generation to generation. Unconsciously the Progressives have absorbed, by way of the British Liberals, some of the economic philosophy which Germany for a generation has been learning from Schmoller and Wagner.

Under the head of "Social and Industrial Justice" in the Progressive platform there are some twenty-three planks, to which ought to be added one or two others found elsewhere in the platform. A study of those planks shows that it was the purpose of the Progressive convention to secure legislation which would make the working masses, whether engaged in farming or industrial labor, better off—not merely absolutely better off, but relatively so. For this reason Progressives declared, for example, for industrial insurance, of which the burden should be borne by the industry, this insurance to protect the worker against poverty in old age, sickness, and irregular employment. There were declarations, too, for limitations of the hours of labor, for the improvement of the condition of working-women, for the establishment of a minimum wage for women, and for the prohibition of the labor of children. There was a demand for State aid to farmers. Together with these there was an unequivocal declaration that the power of the National Government should be invoked where the authority of the State

was inadequate to meet the problem, and that if need be there should be Constitutional amendment to confer upon the National Government the powers necessary for such a purpose.

Democrats, misrepresenting the attitude of Progressives in regard to monopolies, and Republicans, seeking to misrepresent them regarding the democratization of government, to a very considerable extent focused public attention on the trust question and on the mooted recall of judicial decisions. Thus it was that too little attention was directed to the social-economic programme of the Progressive party, which involves not merely a wide extension of the field of National legislation, but also an invasion not only of a field hitherto occupied by the State, but a field in which the individual hitherto has been free from any State intervention.

The far-reaching consequences of these proposals has not been appreciated. For the first time a National party has put forward a programme of immediate and searching interest alike to farmers and to urban workers who do not own their own businesses or who are business men in a very small way. Europe is familiar with the radical legislation proposed by the Progressive party, but a certain element in American political and commercial life is shocked by what seems to it an almost revolutionary programme. Many politicians have been inclined to believe that "social and industrial justice" was merely a fine phrase to touch the sentiment of the people, but that there were no new reasons why it should now make an especial appeal to the electorate.

There are to-day about two million children employed in the industries of the country, and the child-labor legislation, say of Wisconsin and Massachusetts notoriously, encourages the establishment of mills in the Carolinas and Georgia, where such labor is permitted. There are in the United States seven million or more women who earn their own livelihood. Over one-half the persons in the United States who are engaged in gainful occupations (not members of families living on farms) are in the employment of others. The earnings of an average American family (of which two members are employed), are less than eight hundred dollars a year.

It is estimated that during a part of the last winter there were in the great cities of the country over half a million men idle through no fault of their own.

Rubinow, in his great work on social insurance, says that a third of the aged people north of the Mason and Dixon line and east of the Rocky Mountains are the recipients of military pensions, so that already a large proportion of the aged in America actually enjoy old-age pensions.

Excepting only the figures regarding the number of persons unemployed and those receiving pensions, all these figures may be roughly halved to represent conditions twenty years ago. In this short time the United States has undergone an industrial change which has produced here social conditions like those of Europe. Families living only three days from want, families which must regard the unemployment or sickness and the old age of an individual as a calamity for the whole family, are far more concerned about governmental provision to lighten the burden of sickness and of old age, to mitigate the hardships of unemployment and to diminish its likelihood, than they are in the remoter economic problems which hitherto have interested the country. Unemployment is as much a National problem as is that of child labor. If the authority of the National Government need be invoked to abolish child labor, so must it be invoked to fix the conditions of certain classes of labor for women. Will Mr. Rockefeller, who contributed to the last Republican campaign fund in New York State, will Mr. Brandegee of Connecticut, or Mr. Sherman of Illinois, will Mr. Sterling of South Dakota, or Mr. Penrose of Pennsylvania agree to the "invasion of the rights of the States"—to Federal control of conditions of employment, called for by the Progressive programme? Or will Progressives like Governor Johnson of California, Mr. Parker of Louisiana, Mr. Beveridge of Indiana, Miss Addams of Illinois, and Colonel Roosevelt in New York abandon that programme in order to join in a "fighting opposition" to the economic philosophy of President Wilson—abandon the programme to some other men and women who are prepared to put it forward in the interest of the majority, which works for hire, for a living? I venture to suggest that Progressive abandonment of these proposals is as utterly improbable as Progressive abandonment of the campaign for the initiative and for Presidential primaries.

I would suggest that a second schism within the Republican party at present appears as likely as a successful union of the Republican and Progressive parties through

such a plan as that proposed by Judge Grosscup. Already the Republicans of South Dakota and Oklahoma have embraced Progressive apostasies. In Maryland and Michigan they have adopted many of our heretical beliefs. The differences among those who still call themselves Republicans are represented by the men conspicuous in the councils of the party—Mr. La Follette and Mr. Barnes, Mr. Penrose and Mr. Cummins, Mr. Guggenheim and Mr. Bristow, Mr. Smoot and Mr. Borah, Mr. Gronno and Mr. Taft. Some of them make no concealment of their hope that Theodore Roosevelt will be the Republican nominee in 1916, while others profess to believe that he is the arch-enemy of our Constitution, of our liberties, and of our prosperity. These irreconcilable elements cannot continue to share the leadership of a party. One must control at the cost of the other. In pursuing an independent course Progressives are not only actuated by devotion to the platform which they adopted, but also by the belief that the Republican party under its present divided leadership cannot frame and carry into law a constructive and progressive programme. They feel, too, that the time is not far off when the questions of Nationalism and of social legislation will divide the Democracy. They continue along their own path in the belief that their numbers will be augmented by recruits from the Democratic as well as the Republican party. On the other hand, if Mr. Taft represents those Republicans whose nominee he was in 1912, they are not only bent on the defeat of the Progressive programme, but expect to remain in the minority until 1924, supporting his concept of our proper constitutional and economic development.

MEDILL McCORMICK.

THE NATIONAL CONSTITUTION WILL ENFRANCHISE WOMEN

BY IDA HUSTED HARPER

Is there any class of male citizens in the United States that would be willing to allow all other classes to pass upon the question of its enfranchisement and acquiesce in the result? To put the question in more definite form, would the Catholics consent to allow the men of all other or of no religious denominations to decide by balloting whether they should have the franchise and be themselves debarred from voting at this referendum? Would Protestants accept such a referendum to Catholics, or the Jews to the two denominations? Would the property-holding classes submit to the decision of the wage-earning classes, or the native-born to that of the foreign-born, or *vice versa*? Men of all classes consider the suffrage as "the right protective of all other rights," and they would never consent that their possession of it should be decided by other men, no matter what their qualifications for deciding wisely and justly.

This, however, is precisely the condition imposed upon the women of the United States, that while they possess exactly the same citizenship as men, they can have no voice in the Government until a majority of men give their written permission at the polls. Their disadvantage is much greater than would be that of a disfranchised body of men, for, added to the reluctance of any class to share its power are the tradition, prejudice, and custom of the ages opposed to granting women any civic or political recognition. The constitutions of the States were made by men alone; they gave the vote only to "male" citizens; women cannot be included except by amending the constitution. It can be amended in but one way; the Legislature, composed entirely of men, elected by men only, must submit the amendment to

an electorate consisting wholly of men. On their decision rests absolutely the enfranchisement of women.

This vesting in the State the complete control of suffrage rights was only secured after a contest in the convention which framed the National Constitution so long and bitter that the not over-religious Benjamin Franklin had to call for prayers! Many of the ablest members were determined that this document should prescribe the qualifications of voters, and the final result was a compromise which left it silent on the question. This passed then to the jurisdiction of the States, which limited the franchise to "white males" and imposed various educational and property tests. These were gradually abolished, and new States did not prescribe them, so that by the middle of the last century there was practically universal suffrage for white men. At this time began the organized movement to obtain the enfranchisement of women, and its supporters had no thought of any other method than the slow and difficult process of amending the constitution of each State.

Such was the situation until after the Civil War and the adoption of the Fourteenth Amendment to the National Constitution in 1868 and the submission of the Fifteenth in February, 1869. Then, to their great joy, the advocates of woman suffrage learned that a new class of voters could be created by a National amendment, which seemed to offer far speedier success than what then seemed the almost hopeless task of changing State constitutions. A meeting was called in New York City in May, 1869, and, under the leadership of Elizabeth Cady Stanton and Susan B. Anthony, with representatives present from nineteen States, the National Woman Suffrage Association was organized for the special object of securing an amendment to the Federal Constitution. Miss Anthony and Mrs. Stanton the preceding January, had obtained a hearing before a Senate committee in Washington, and from that time until the present delegates from that association have appeared before committees of every Congress to urge the submission of a National amendment to enfranchise women. At first the prospect seemed favorable, but soon there arose complications in connection with the Fourteenth and Fifteenth Amendments, which have continued to increase and to intensify the feeling against any further interference with what is regarded as the absolute right of the State to decide upon its own electorate.

The leaders of the movement were forced to recognize the fact that there was little hope of Congressional action until a considerable number of States had first granted the suffrage to women, and so they began the long series of campaigns for this purpose which have continued, without ceasing, for over forty years. There is not space here to go extensively into details of such campaigns, but they must be briefly considered in order to show the immense advantage of an amendment to the National Constitution. In some States a resolution to submit an amendment requires only a majority vote in both Houses of the Legislature; in others a two-thirds vote, and in others it must pass two Legislatures. As most of them meet biennially, over two years' time is required, and if it fail in the second Legislature the work must begin again and a second body of members be persuaded. The tossing of this measure from one House to another and from one Legislature to another has been kept up in some States for more than a generation; in others no amount of effort has succeeded in obtaining any action, and women have persistently been denied their one chance. This is the only question ever sent to the electorate on which those who are most interested are not allowed to vote, and the only one whose advocates have no claim on legislators as constituents, and can make no offer of reward in votes or political influence. The opponents are fully equipped in all these respects, and in addition are practically unlimited as to finances.

That the women ever succeed in carrying their case to the voters is surprising, and often it is only because their defeat at the polls seems certain. There is no record of how many times they have failed with Legislatures, how many thousands of dollars, how many years of toil they have expended in vain. When they do succeed consider the task that lies before them, with no funds except what they beg or earn for all the unavoidable expenses of a campaign—transportation, halls, printing, postage—and the most of the service necessarily to be rendered by volunteer workers. From 1870 to 1910 over twenty such campaigns had been made, and they had been successful only twice—in Colorado in 1893, and Idaho in 1896. (Wyoming and Utah had entered the Union with woman suffrage in their constitutions.) Forty years the women pleaded with the individual voters—Indians, negroes, native-born Orientals, and naturalized men

from every country on earth; the drunken, the dissolute, the criminal classes; the keepers of saloons, gambling-rooms, houses of ill repute; the party "bosses" and the ward-heelers—all the elements that make up the great electorate which hold the political liberty of women in the hollow of their hands—and the total result was the enfranchisement of a few thousand women in two sparsely populated States! This must go on and on for an indefinite number of years, until a victory has been gained at this terrible cost in nearly forty more States, if the opponents of a National amendment can have their way. One generation of workers for woman suffrage has passed from earth, and a second has grown white-haired in the contest. Two more will pass away before it will be gained through a referendum in some of the States.

The many defeats have not been due so much to the actual opposition of a majority of the individual voters as to the sinister influences that dominate politics. If these could be eliminated there are not many States where a majority of the men could not be persuaded by the women to give them the suffrage, but a fair campaign is an utter impossibility. The three strongest forces in the political life of the nation are marshaled against the enfranchisement of women—the corporations, "trusts," railroads, even down to department stores, taken as a whole; the so-called liquor interests, manufacturers, wholesalers, retailers, those who furnish supplies of all kinds, and the allies of the business, gamblers, keepers of dance-halls and wine-rooms, purveyors to the social evil. All of these furnish money and votes in every campaign, and the agencies through which they act form the third force—*i. e.*, the party "machines." The reasons for the opposition of the last two are so obvious as not to need explanation. The employers of labor do not want the working-classes to obtain any more political power; they object to the influence women voters would have over factory inspection, child labor, hours of work, the conditions surrounding women wage-earners. The manager of a large department store gave a thousand dollars to a women's Anti-Suffrage Association in a recent campaign. The corporations are not willing to double their contributions to State campaigns, neither do they want a class of voters who cannot be "influenced," and they object to Legislatures elected by that kind of constituents. These forces have long had the

political situation well in hand; they are opposed to a change and, most of all, to the revolution apt to be produced by woman suffrage. Usually with little difficulty they have prevented Legislatures from submitting the question; if it has slipped through, the party machinery has been set to work to defeat it, and in several States where it has carried in spite of everything, it has undoubtedly been counted out by connivance of both parties.

This is but a brief and superficial résumé of the conditions which women have to meet when they try to get the suffrage by having State constitutions amended, and which will prevail in many of the States for a long time to come. It is an intolerable situation, one to which no other country subjects its women in their effort for enfranchisement, and it seems incredible that American men should wish it to continue. Now in palliation of their attitude they point to the succession of victories within the last four years—Washington in 1910; California in 1911; Oregon, Arizona, and Kansas in 1912; Illinois in 1913—and one would suppose the ballot was handed to the women of those States on a silver salver. On the contrary, the limited franchise granted by the Legislature of Illinois was the result of twenty years' continuous effort with every Legislature. At once the law was carried to the Supreme Court, and even if declared constitutional it may be repealed by any succeeding Legislature. Before the suffragists began trying for this measure they had worked for the full franchise since 1860. The women of Washington had voted for three or four years in Territorial days; been disfranchised by an unconstitutional decision of the Supreme Court; struggled through a hard campaign in 1889, and been defeated, struggled through another in 1898, to be again defeated.

The women of California began working for the suffrage in 1868; made a very extensive campaign of nearly a year in 1896 for a State amendment, and lost; kept up the organized work for sixteen more years, and then by herculean effort managed to get a majority vote of about 3,500. It was the same in Oregon, where organized work began in 1870; State amendment campaigns were made in 1884, 1900, 1906, 1908, and each time ended in defeat, once undoubtedly through counting out. Finally, when the victories in Washington and California made it inevitable that an amendment would win, the Legislature refused to submit it! An initia-

tive and referendum law had been enacted, and the women began the weary tramp through the State to secure the necessary signatures. They succeeded, made a strenuous campaign, the amendment was carried, and their forty years' effort was ended. This experience was duplicated in Arizona, where the Legislature refused absolutely to send the question to the voters, and the women had to spend months of labor getting signatures to the initiative petition. Other months were given to the hard work of the campaign and finally the amendment was carried. Even in Kansas, always most liberal of States in its laws for women, the franchise was granted only after three campaigns, the first in 1867. And yet one often hears that woman suffrage is coming as rapidly as it should be desired!

The direct cause of the enfranchisement of women in all these five States was the "insurgent" movement in politics, the uprising against the control of Legislatures and elections by "vested interests," its leaders believing they could hold their ground with more certainty if they had the support of women voters. In 1912 and 1913, however, came the tremendous defeats in Ohio, Wisconsin, and Michigan, and to every one who holds that women should look to the States for their suffrage is recommended a study of those campaigns. No measure could have survived the forces that were massed against this constitutional amendment, and they will be used with the same power in every Eastern State. The political reform of the West does not prevail in the East to the extent of bringing suffrage on the crest of the wave—it will break upon too many barriers. Not even in the remaining Western States is it strong enough to assure the success of the pending suffrage amendments, which at the general election in November will go to the voters of Nevada, Montana, North and South Dakota, and Nebraska.

In Nebraska no pressure could obtain from the Legislature the submission of an amendment, and the women had no recourse but the initiative law; so all through the inclement winter months they have canvassed every county in the State and at last have obtained forty-two thousand five hundred names of voters. Now they have a long, hard campaign before them. An amendment has been once defeated there. The women of Nevada had to run the gantlet of two Legislatures and are now trying to reach the voters in

the almost inaccessible mining districts, up in the mountains, out on the plains. In the other States they have been organizing and canvassing for years. It is almost impossible to carry an amendment in North Dakota, as a majority of the highest number of votes cast at the election is required, but there is no other way of getting the suffrage, so the women will try. In South Dakota an amendment has already been defeated three times, but the women will make another attempt. In all these States the liquor interests are sending openly through circular letters and in their official organs appeals to dealers throughout the country and demands upon their national associations for help in defeating the woman suffrage amendment. In response money and influences of various kinds are being poured into each State. Against these forces the women, with practically no money except individual contributions and no help except from volunteer workers, are trying to win, relying principally upon the churches and the labor-unions.

Even now in Ohio, after the women had raised and expended fifty thousand dollars and many hundreds had worked without ceasing for more than a year, only to meet a heavy defeat, they have begun all over again, raised another fund, and started to canvass the whole State for the one hundred and thirty-six thousand names of voters to a petition for a second submission of the question, and then the long campaign must be made over again. In New York one Legislature has voted to submit an amendment, and, in order to create a public sentiment which will compel a second to indorse this action, thousands of women are speaking and organizing and raising money throughout the State. If they succeed, then another great campaign must be undertaken to secure a majority of the voters. This is the situation also in Pennsylvania, New Jersey, Massachusetts, and several other States.

These concrete cases have been cited to illustrate the unparalleled hardships to which women are subjected in having to make these State campaigns. As the result of sixty years' strenuous effort they can point to nine States where the complete franchise has been gained! They never will cease from the struggle until woman suffrage prevails in every State—this is an accepted fact—but think what this will mean in the years to come! North, South, East, West, countless thousands consecrating to this quest for the ballot

the splendid energies that are so urgently needed in the social, civic, philanthropic, and religious work of the community. Every man who says, "This is a question for the States to decide," issues the summons for new recruits, and in a short time there will be an army of women in every State "enlisted for the war." Southern men especially have felicitated themselves that with this slogan they could put off indefinitely in their section of the country the enfranchisement of women, but the question is already at their doors. It needs only a few more experiences like those of the past year or two, when suffrage amendments to the State constitutions, asked for by the flower of Southern womanhood, have been rejected by the Legislatures of Maryland, Virginia, South Carolina, Florida, Mississippi, Louisiana, Texas, Arkansas, Missouri, and Kentucky, to show the women of the South the transparency of this States'-rights doctrine. They must look to the voters of the State for the suffrage, and yet no Southern Legislature has ever permitted, or apparently intends to permit, the voters to pass upon the question!

The advantages of a National amendment are enormous. From the time it is submitted women are freed from the humiliation of personal appeals to the individual voters and can concentrate their efforts on the Legislatures. While not all of the members are representative of the highest citizenship, the lowest is not usually found among them, and their number is very small compared with the number of voters. Always there are legislators of character and ability, and among these would be many allies. What work should be necessary in the constituencies for the sake of influence would be easy and pleasant compared to the exacting and endless demands of a State campaign. The danger of fraudulent votes, stuffed ballot-boxes, and counting out would be avoided. It would not be difficult to discover the power behind hostile legislators and find a way to overcome it, or they could possibly be relegated to private life. It would be a work of time, but of much less time than to obtain from a Legislature, or perhaps two, the submission of an amendment and then secure a majority of the voters in the State—more than a million and a half in New York, for instance, and about a million and a quarter in Pennsylvania.

It is inconceivable that any man who really believes that the suffrage should be granted to women, and who possesses

the true spirit of chivalry, should want to subject them to the publicity, toil, and sacrifice of a State campaign when there is an easier, speedier, and more dignified method; and it may be accepted that the vast majority who hold out for the States'-rights plan are not in favor of woman suffrage through any process. "The State must decide on the qualifications of its own voters," they say, but the State never has done so, only the men of the State. In very few States north of Mason and Dixon's line are there any qualifications, except that the voter must be a citizen, neither insane nor imbecile, and of the male sex. The States'-rights doctrine applied here means simply that the men of the State shall have the absolute right to say whether the women may have the suffrage, a doctrine contrary to justice, equity, democracy, and common sense. Southern States base their opposition to a National Woman Suffrage Amendment on the additional complications it would create in regard to the negro vote. It would increase the numbers, but not the status of negro voters, and no changes in State constitutions or laws would be necessary. In States where they are allowed to use their franchise, whatever detriment to the electorate the colored men may be, this would be largely counteracted by the colored women, for they are superior to the men in morality, temperance, integrity, industry, intelligence, and domestic qualities. The "mother instinct" would go far to neutralize much that might be considered objectionable in their vote.

It is most unfair to hold that Fifteenth Amendment as an insurmountable barrier against the enfranchisement of women through amending the Federal Constitution. The question as to whether it was constitutionally adopted has always been acute enough to make one party reluctant to agitate it and the other bold to defy it. It was not the outgrowth of a long, educational campaign and a measure bearing equally upon all parts of the nation, such as woman suffrage would be, but the result of civil war and the overthrow of an established "system"; the forcing upon one section of the country by another section of an immense body of voters undesirable at that time from every standpoint. If a National amendment to confer the franchise on women were submitted now there could be a perfectly legitimate vote on it in every State by a Legislature elected by the legal voters of that State. The Southern States alone could supply

enough votes to defeat it and have some left over, for it would require the ratification of three-fourths of all the States. When the class of voters that would be added to the electorate, should it be adopted, is compared with the class that was added by the Fifteenth Amendment, the injustice of considering the two propositions as parallel cases is clearly apparent and wholly inexcusable. No class was ever enfranchised in any country so well qualified as are the women of the United States.

There is wide misunderstanding of this proposed amendment. It does not take away from any State the power to prescribe the qualifications of its voters, with the one exception that it must not disqualify solely on account of sex. Presented in 1869 and never altered, it reads: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." At present in thirty-eight States women may be able to meet every requirement for voting, but because they happen to be women the State has power to keep them disfranchised until the end of time. Should this amendment be adopted the States could still impose requirements as to age, property, education, residence—even the "grandfather clause" would be as constitutional as it is now. The Southern States would be in no more danger than they are at present, and the Northern States would have nothing whatever to fear—except what is really the scarecrow in both cases—woman suffrage! The solicitude of members of Congress from the North lest it should be forced upon their dear colleagues from the South would be pathetic if it were genuine, but it isn't.

The question of submitting a National amendment to enfranchise women never has been considered by the Lower House of Congress, but on January 25, 1887, after a discussion of several days, the Senate voted as follows: yeas, 16; nays, 34; absent 26, of whom four stated they would have voted for and two against the resolution. All the favorable votes were from Northern members, but, including the two Delaware Senators, they also cast 14 of the negative votes, not giving a belief in States' rights as a reason, but a disbelief in woman suffrage itself. The recent vote in the Senate (March 19th) stood 35 yeas, 34 nays, 26 absent. For the first time Southern Senators declared in favor of giving suffrage to women by amending the National Constitution—

Lea, of Tennessee; Ransdell of Louisiana, and Sheppard of Texas. Of the negative votes fifteen were from Northern States, if Delaware and Oklahoma can be so called, five or six of them on the ground of States' rights. Senators from seven States were on opposite sides. Of the affirmative votes, 21 were Republican, 14 Democratic; of the negative, 12 Republican, 22 Democratic. Of the Republicans 10, and of the Democrats 6, were from equal-suffrage States and could hardly vote otherwise. Ten Republicans and 16 Democrats were absent.

A definite analysis of this vote is impossible. Although it still records more Republicans than Democrats, and more Northern than Southern Senators in favor of a National amendment, yet it shows great advance since 1887, when not one Democrat voted in the affirmative. There was a vast difference in the two debates, the opposition far less vigorous now and conducted by much less prominent members. It might be said that the increase from sixteen to thirty-five affirmative votes had little significance, because seventeen of these were from States where woman suffrage already prevails, but that is the most significant feature of the entire situation—that there are now twenty members of the United States Senate under obligations to promote this measure. While there has been a remarkable increase of favorable public sentiment in recent years, it was not this which caused the sudden awakening in that astute body, but the realization that several million women will be entitled to vote for members of both houses of Congress at the November elections. A year hence this number will be increased, as some of the States where campaigns are now in progress are sure to be carried for woman suffrage.

The Senate Committee already has announced that it will again report in favor of the resolution for a National Suffrage amendment, and this will undoubtedly be discussed and voted on again next session. There will then be more Senators with women constituents; more Legislatures will have sent the question to the voters; more State conventions will have endorsed it; the parties will be lining up for the Presidential contest; those millions of women voters will loom very large on the political horizon. Northern women more and more will rebel against having this measure of relief denied them because the South is afraid of the negro women's vote. Southern women's eyes will be opened, and

they too will demand this short cut to the ballot. The next vote in the Senate will show an increase, but is not likely to reach the necessary two-thirds. Meanwhile the House of Representatives will receive some rude shocks. Part of its members will come back much chastened in spirit; others will never come back; the women in their districts will know why. There will be a Woman Suffrage Committee in the Lower House of the next Congress, and women will help it to understand its business.

If three out of the five campaign States should be carried next fall, women would be fully enfranchised in one-fourth of the States. Illinois is not included, although the women have the county, municipal, and Presidential vote. The question will go to the electors in a number of States in 1915. One may be conservative and yet see equal suffrage in one-third of the States within a few years. When that time comes the different parties represented in Congress will do a Marathon to see which shall have the credit of a National amendment.

When that happy day arrives the advocates of woman suffrage, although by no means having finished their task, can take some time for recreation, and they will find it in what is now being said by the opponents of this amendment. The speech of Senator Borah, of Idaho, during the recent debate will rank as a classic. "I would count myself derelict to the great Pacific States if I were to vote to bestow the franchise on the ten thousand Japanese!" What difference would a National amendment make to those great States when they have already granted suffrage to women by amending their own constitutions? Japanese cannot vote in this country unless they are born here, and to intimate that there are ten thousand native-born Japanese women on the Pacific coast is a license of speech that cannot be justified, even when made for political purposes. The native-born Japanese and Chinese women are almost too few to stand up and be counted, and their vote is negligible. Much more amusing is the comment of a woman writer on the "shrieking and screaming absurdity" of this amendment, which, she says, "would give the ballot to Asiatic women where Asiatic men are not allowed to vote." and "the denial of equal rights to the Chinese and Japanese men would cause demands to be made on the United States by powerful nations with arms in their hands." The proposed amendment says:

“The right of citizens of the United States to vote shall not be denied,” etc. As the law does not permit Chinese and Japanese to become naturalized, and therefore citizens, how could the amendment enfranchise the women of those nationalities unless they were born here? The men who were born here are already enfranchised.

“If the amendment could be adopted,” says this writer, “it would appear on the face of the Constitution as if women alone voted in the United States, as there is no mention in the immortal document of men voting.” Oh, oh, when “males” are conspicuously set forth three times in the voting clause of the Fourteenth Amendment! “The eleven seceding States,” says this writer, “would immediately retire to private life any Senator who would vote to create a Federal electorate.” Three from those States have already done so, if that is what voting for this amendment means, but they have not yet been invited to retire. And we must refuse to get excited when told also that “in the event of a close contest in the Congressional election of Illinois there are vast possibilities of trouble due to woman suffrage,” because it happens that the women of Illinois cannot vote for members of Congress.

The forebodings as to the terrible consequences if the National Constitution, with the consent of three-fourths of the States through their Legislatures, should forbid the other one-fourth to disfranchise citizens who had committed no other crime than being women, remind one of the prophecies of the dreadful things that would happen if women should get the suffrage by any means whatever. Ten States took the chances without being coerced and none of the things happened! It will be the same when the Federal Constitution makes it impossible for any State to deny qualified women a voice in their own government. The amendment is not going to be submitted at once; it will be for a considerable time before the various Legislatures, and meanwhile woman suffrage will already have been granted in so many States that most of the others will regard it as a reflection on their women to continue withholding this right. In conclusion, the prediction may be safely made that the States which hold out longest against it will not be entirely those of the South.

IDA HUSTED HARPER.

DR. MCKIM'S "CHRISTIANITY AND CHRISTIAN SCIENCE"—A REJOINDER

BY A CHURCHMAN

THE weakness of Dr. McKim's paper, which appeared in the March issue of the REVIEW, reveals the strength of Christian Science. It suggests the following incident: Balak said unto Balaam, "I took thee to curse mine enemies and behold thou hast blessed them altogether." "How shall I curse whom God hath not cursed?"

To make his positions impregnable and his attack effective he declines the issue presented in the article "Must Protestantism Adopt Christian Science?" which may not be familiar ground to him in his area of experience and study, and shifts to the field of creedal statements, where he is at home.

From such a titled thinker, on such a vantage-ground, one may expect arguments which shall clear the field of all error. He holds up the Apostles' Creed as the belief of Christendom and the summary of all Christian truth. He affirms that if the Christian Science Creed does not harmonize with it, nothing in it can be true, and assumes that it is opposed to the Church Creed and it must therefore be false. His aim is "to show that the Church and Christian Science are irreconcilable, and therefore Protestantism can only adopt Christian Science by abandoning and repudiating every fundamental doctrine for which it stands." In summing up he says:

In every instance I have quoted the very words . . . of the founder of this new cult. And the result is that every article of the Apostles' Creed which expresses the faith of Christendom is denied by Christian Science. . . . Let me also point out that the conclusions I have reached rest upon a solid foundation, because I have drawn them entirely from the book called *Science and Health*, which is the Bible of this new religion, declared by its founder to be absolutely without error. . . . The conclusion is

inevitable, also. This new religion is not the Christian religion, and whoever leaves the Christian Church to attach himself to it becomes an apostate from Christianity.

After making all possible allowances, one is impressed with the fact that the article criticized was not carefully read, and that there must have been an incomplete study of the Christian Science text-book. He fails to apply the canons of criticism and the laws of interpretation. These require that sentences should be studied in the light of the spirit and purpose of the author and interpreted by the scope of his completed thought, and by the meaning of the whole context. It is also necessary that the criticism should be based upon what may be seen from the viewpoint of the author. Coleridge has said that two-thirds of all misunderstanding would be avoided if disputants would agree as to the meaning of the words they used. The paper misrepresents both the article and *Science and Health*. The quotations for the most part violate the rules of criticism. The Christian Science standpoint of the spiritual and the absolute is not considered at all. The spirit of the book has not been caught. Words are used out of their Christian Science significance and sentences torn out of their context. The assumptions inexcusably beg the question and are not founded on truth. His conclusions are drawn from false premises, misunderstanding, and misconstruction.

To begin with the end of the paper, a personal statement is made that "this anonymous and unknown priest of the Protestant Episcopal Church must have been very unfortunate in his experience, as a witness for Christ and a guide of souls, if the picture he here presents is drawn in any large degree from the results of his own ministry."

He was. Because he was "very unfortunate" is the reason why the article was written. It is practically a record of convictions drawn from his personal experiences. If his previous article on Protestantism and Christian Science, had been carefully read, it would have been seen that the picture of the Church therein presented could not have been drawn exclusively from experiences in a limited parish, but rather from the conditions of the average churches at large in their relations to the vital challenges of civilization. These experiences are extra-parochial.

Dr. McKim's paper fails to show that the proposition in the article criticized was untenable, and to disprove the con-

tention of the Christian Scientists that they have good reasons for their dissatisfaction. In his plea for the substantial adoption of the faith and practice of Christian Science, the writer regarded it as a social and religious phenomenon which seems to be a renaissance of the faith and practice of the Church as they were before its corruption by political affiliations and the placing of creed and dogma above life. Hundreds of thousands want to know about the truth of his statements which seem to them vital, and, if true, what the churches are going to do about it.

Is it true or false that, as he affirmed, our failure to successfully apply Christianity to existing conditions is interfering with and preventing its function of regenerating the world, and that to a degree Christian Science is accomplishing it? Have the facts presented to substantiate that position been disproven?

Is it true or false that the Church which stands for everything normal does not prevent conditions largely social which wreck health, and that Christian Science in a measure is doing it? Was the evidence presented in behalf of this proposition valid? Is it true or false that while the glory of our Church is its missionary work, there is a deplorable lack of knowledge, interest, and appreciation concerning its extension, activity, and support? Do the data given sustain this affirmation? Is it true or not that Christian Scientists are all missionaries for their faith, and that the fruitage of their lives and practice is of the Holy Ghost, and that such fruitage is not common in the average church? Can their testimony be gainsaid? Has the paper disproved the position that the theology of Christian Science is more scientific than that which is popularly accepted by the churches? Has it shown that the arguments made in support of it are not true?

Note well that Christian Science has nothing which does not equally belong to our Church, because both are founded on the same confession of St. Peter and the same life of the Christ, and are manifestations of the same Kingdom of God. Christian Science has had healing for less than fifty years. The Church had it for nearly four hundred years and has expressed it whenever it had the spiritual channels to convey the power.

But Christian Science has found the laws of healing, and to-day is applying them successfully by the power of the in-

dwelling God, and has shown how to make God available and operative for every need, so they have absolute faith in the teaching and healing of Jesus.

The paper says, "Christian Science claims to be a new and improved edition of the Christian religion." It makes no such claim! It is the resurrection of the Christianity of Jesus the Christ with its full Gospel. This Gospel the Church has dissected in its science, desiccated in its theologies, desecrated in its materialism, and swathed in ceremonies of dogmas.

It is declared that Christian Science "professes to accept and interpret the Bible, yet it has put forth another Bible of its own for which it claims infallibility." The facts are that the founder of Christian Science attributed all her discoveries to a constant and prayerful study of God's word, while hundreds of thousands of her followers make a daily study of the Bible and its spiritual interpretation as revealed by her insight into the spiritual significance of the contents of the spiritual Kingdom of God. The assertion that it has put forth another Bible of its own for which it claims infallibility is not true. No passage in Christian Science literature can be found in its support, and every Christian Scientist will deny it; nevertheless, seven times this paper refers to *Science and Health* as their Bible!

The condemnation of Christian Science by the critic is based on its alleged disagreement from the Apostles' Creed, but when he wrote "now for the comparison between the Creed of Christianity and the Creed of the system which calls itself Christian Science," he showed that he had not read Christian Science literature or he would have known that it has no formal creed. He interprets from his own point of view and evidently cares not to find out the sense in which the words are used. It may be said that while they have no formulated doctrinal standard, they do accept every article of the Apostles' Creed. Only personal adherence to it can make it of practical value. Its reception in our thought always depends on its interpretation, and varies in our lives with the relative planes of our spiritual growth.

The Apostles' Creed was formulated as a summary of belief for the candidates applying for membership in the Church, because of the lack of manuscripts of the Bible. As the Apostles had nothing to do with it, and it was not inspired, the Fathers modified it to suit their own ideas,

some omitting the descent into Hell, others the communion of saints and the life everlasting. Because creeds were framed by the majority vote of Councils and set up as if inspired, impiety became rampant. No reliance was placed upon such creeds as statements of absolute truth.

We have inherited some of these creeds which are admirable statements of the doctrinal beliefs of the Church, but to say that one is an apostate from Christianity if he questions the verity of any part of the creed of the Church is to insert a test and condition which are beyond those of Jesus and the Apostles. The Master stated, "He that is not against us is on our part"; "Whosoever shall do the will of My Father which is in heaven, the same is my brother and my sister and mother." How could anything be broader, more inclusive, and more intimate? He taught that if a man did not forsake all that he had (materially) he could not be His disciple. He founded His Church upon St. Peter's confession of faith, "Thou art the Christ, the Son of the living God." St. Paul's classification is scientific—"If any man have not the Spirit of Christ, he is none of His," however orthodox he may be theoretically. Conversely, it is true, if one have the spirit of Christ he is His, with all which that involves and implies. These essentials of the Kingdom of God never can be subordinated to theological formulas or credal statements without subverting the divine order. To condemn as apostates thousands of people who are striving to have the mind of Christ and to do His will and thereby know of the doctrine that it is of God, because they do not seem to believe in a creed, is to put things desirable above things essential.

Dr. McKim asserts, in proof of the corrections of his position, that Christian Science denies that God is our Father, and that He is the Creator of heaven and earth. When one considers the intelligence and religious life of these people together with the unnumbered declarations of the book to the contrary, it becomes apparent that such a statement is absurd. The quotations from *Science and Health* to support it are not given the meaning they attach to them. Why is it that the obvious meaning is ignored and that something is read into them to show that Christian Science denies the personality of God because it calls Him Principle? It must have been either intentional or the result of superficial reading when the critic uses Principle with a

small "p," while in hundreds of places in the text-book it always appears with the capital "P." What is there in the word God *as a word* which makes Him more adorable than that which is contained in the word Principle, which is a synonym of Infinite Love, Spirit, Truth, Life? If *Science and Health* had been studied in order to know the truth, one would have understood it to teach that God is Infinite Personality. Mrs. Eddy says in *Science and Health* (p. 116): "As the words person and personal are commonly and ignorantly employed they often lead, when applied to Deity, to confused and erroneous conceptions of divinity and its distinction from humanity. If the term personality, as applied to God, means infinite personality, then God is infinite *Person*."

Again the paper says, "If God is not a personal God, but only a principle, how can He be a Father—how can He love us?" This position is answered in the above statement as to the infinite personality of God. Must one have a human-form God in order to have love from Him and to love Him? Only divine Principle and infinite Personality can satisfy any intelligent basis for thinking about God. Emerson says, "I deny personality to God because it is too little, not too much," meaning by it the idea formed of it by human sense. It is impossible to make a material image of a spiritual being. If God were an empty principle without life or love or truth, it would indeed be impossible to worship Him or to love Him or to think of Him as loving us. How grotesque it would be to affirm the omnipresence of a God in the anthropomorphic sense! Fancy it in the universe whose distances of worlds in space are measured by thousands of light-years as the measuring-rod, and science demanding that at every point within the horizon of solar systems God should be all the time upholding and governing with the involved omnipotence and omniscience. Such a conception, which seems to underlie the criticism, might do for an age when the Church taught that our suns were lanterns hung out in the skies by angels as soon as it became dark, but not for a day when science has shown us the glories revealed in the material universe. The material senses, however, shut out the infinite glory of the real spiritual universe filled with infinite Personality, Principle, God. Only such a God is capable of being loved by all humanity at the same time and for ever. We cannot truly love ourselves

unless we love ourselves in God. What we really love in others is primarily the spiritual graces and charms, ideals and principles, which make up their true selfhood. When the object of love is God, we must love Him spiritually because He is Spirit. We must love with the mind because He is omniscient, and love with the heart because He is Love, the infinite Principle underlying every manifestation of infinite Life. If infinite Love as Principle cannot fulfil the conditions of the Fatherhood of God, how can one constitute it out of a magnified human likeness? These Scientists daily pray "Our Father." Faith in His fatherly care is expressed in their words, "Divine Love always has met and always will meet every human need." In the first line of the preface of their book their trust in His fatherly provision of good things is recorded in these words, "To those leaning on the sustaining infinite, to-day is big with blessings."

The next position of the paper is that Christian Scientists deny that God is the maker of heaven and earth because they hold that "matter is unreal." In Christian Science reality is used in the sense of that which is substance, which is of God, and therefore has permanence and freedom from discord and change. From the point of view of the spiritual and the absolute, nothing can be real which God has not made. From the relative standpoint of the senses, everything seems to be real, but the seeming is not the reality, although the human sense so interprets it. To sense perception, the horizon is a limit and there is nothing beyond; the sun rises, moves to the west, and sets, and sense supplies no evidence that the earth moves; the stars are nothing but points of light and do not shine during the day. To the carnal mind, the same is true respecting spiritual realities. As St. Paul puts it, "They that are after the flesh do mind the things of the flesh." "To be carnally minded is death." "The natural man receiveth not the things of the Spirit of God, for they are foolishness unto him; neither can he know them because they are spiritually discerned." As a matter of interpretation of phenomena, the things seen are temporal, unreal, and are not made of things which do appear, and the things that are not seen are eternal, real. *Science and Health* (p. 472) says: "All reality is in God and His creation, harmonious and eternal. That which He created is good and He makes all that is made. Therefore the only

reality of sin, sickness, or death is the awful fact that unrealities seem real to human erring belief until God strips off their disguise. They are not true, because they are not of God." Mrs. Eddy further writes: "I believe in matter only as I believe in evil, that it is something to be denied and destroyed to human consciousness and is unknown to the Divine. We should subjugate it as Jesus did, by a dominant understanding of spirit" (*Unity of Good*, pp. 4, 5). Again, "Objects utterly unlike their original do not reflect that original, therefore matter, not being the reflection of spirit, has no real entity" (*Science and Health*, p. 506). "To material sense the unreal is real until this sense is corrected by Christian Science." Experience illustrates this. Reality is not the spoken word; it is the truth which language conveys to sense because it reflects God, Truth. The work of art is not the reality, but the image in the mind of the artist is, because it reflects infinite Beauty. If Christian Scientists defined that which to the senses seems real as the "actual," and that which seems real to spiritual perception as "absolute reality," this misunderstanding might be forestalled. Thousands have the idea that Christian Science denies the reality of sickness, hence from their material viewpoint they justly ridicule Christian Science. Mrs. Eddy declares, however, that "Sickness is neither imaginary nor unreal, *i. e.*, to the frightened false sense of the patient. Sickness is more than fancy; it is solid conviction" (p. 460).

The next point in the paper on which is founded the accusation that "Protestantism can only adopt Christian Science by abandoning and repudiating every fundamental doctrine for which it stands," is that Christian Science denies the next section of the Creed, "I believe in Jesus Christ His only Son, our Lord."

Christian Scientists believe this thoroughly because it has become a fact of their experience through following Jesus Christ into God. It is more than theory with them. As to just how He came into the world they have no dogma. Looking from the spiritual and absolute, it would stagger even the credulous to say that infinite Personality whose presence fills the universe was absent from this world until He appeared in the likeness of sinful flesh. It is equally true that Jesus, born of the Virgin Mary, could not have had the consciousness that compelled the statement, "Before Abra-

ham was I am." That was the consciousness of identity with Christ, the Logos, or Word, the perfect expression of infinite Mind. However men may dogmatize about how God became incarnate, the true Christian is satisfied that Christ is the God-man because he has taken up His cross and has grown into the spiritual realization that he has his being in God. Whatever theory may be held about human birth, one thing is sure, that only God is the creator of man. *Science and Health*, p. 29, says:

The Holy Ghost overshadowed the pure sense of the Virgin mother with the full recognition that being is Spirit. Had His origin and birth been wholly apart from mortal usage, Jesus would not have been appreciable to mortal man as "the Way." "The Virgin mother conceived this idea of God and gave to her ideal the name Jesus." Contrast these thoughts with that of the critic that Jesus was *simply* the ideal of the Virgin.

It is charged that Christian Science denies that Jesus rose from the dead. *Science and Health* says: "The resurrection of the great demonstrator of God's power was the proof of His final triumph over body and matter." "Our Master fully and finally demonstrated divine Science in His victory over death and the grave." The reappearing of Jesus was not the return of a spirit. He presented the same body He had before His crucifixion, and so glorified the supremacy of Mind over matter. His unchanged physical condition after what seemed to be death was followed by His exaltation above all material conditions, and this exaltation explained His ascension. In His final demonstration called the Ascension, which closed the earthly record of Jesus, He rose above the physical knowledge of His disciples and the material senses saw Him no more" (pp. 42, 45, 46). His resurrection was the victory over the mortal belief that life can decay. His Ascension completed His struggle for freedom and He then realized the pure normal spiritual condition of man. That was what He came to do, and salvation means just this.

If the critic had read Christian Science literature, how could he have said that it denied the death and resurrection and ascension which it so unequivocally affirms?

Dr. McKim objects to the teaching that Jesus "healed the sick and destroyed sin by a metaphysical process."

His instance of the raising of Lazarus was certainly not a physical process, but a metaphysical one. He claims that

the life of Lazarus had been destroyed, but only by identifying life which is essentially spiritual with the material body can one believe that the falling away of the body extinguishes the life. His thought would make individual life depend on matter. When Christian Science speaks of man it means the real spiritual man, made in God's likeness. It is declared that Martha's statement, "By this time he stinketh," is an evidence of death. But did "he" refer to Lazarus or to his body?

Again, "If we consider now the mission of Jesus Christ we find in Christian Science another complete contradiction of the Christian Creed." It says: "Christ came to save men, not from their sins, but from the false belief that they are sinners; that man is incapable of sin; that the only reality of sin is the awful fact that unrealities seem real." According to St. John, the real man *is* sinless, for he says of him, "Whosoever is born of God doth not commit sin, for his seed remaineth in him, and he *cannot sin* because he is born of God." Duns Scotus has said, "Since there is no real being outside of God, evil has no substantial existence. Perfection and reality are synonyms, hence absolute imperfection is synonymous with absolute unreality." In *Miscellaneous Writings*, p. 63, we find, "Jesus came to seek and to save such as believe in the reality of the unreal; to save them from this false belief that they might lay hold of eternal life, the great reality that concerns man, and understand the final fact that the Lord He is God, there is none beside Him." This is simply saying that our salvation is a progress out from the false beliefs which were the basis of Adam's sin, and of the temptation of Jesus, and which are found in human experience to be the cause of all sin.

The critic goes on to affirm that "it is not surprising, then, that we find no doctrine of the atonement." Strange criticism that in its ignorance will not see the vital belief in atonement which runs through all Christian Science teaching and is the very foundation of its healing! It is charged that Christian Science puts the teaching that "reformation cancels crime" in place of the atonement. Mrs. Eddy says: "Science removes the penalty only by first removing the sin which incurs the penalty. This is my sense of divine pardon which I understand to mean God's method of destroying sin. Another's suffering cannot lessen our own liabil-

ity. Did the martyrdom of Savonarola make the crime of his implacable enemies less criminal?" (*Science and Health*, p. 40).

Again the critic says, "Christian Science denies the personality of the Holy Ghost." If he means personality in the human sense, of course it does and should. Mrs. Eddy writes: "I have healed infidels whose only objection to this method was that I as a Christian Scientist believed in the Holy Spirit, while they, the patients, did not." (p. 359.)

Leaving the Apostles' Creed as a standard of Truth to show the falsity of the alleged contradiction of Christian Science, he passes on to disclose some of the Christian Science claims and tenets which he says are untrue:

1. That "Disease is an illusion." If disease from the standpoint of the absolute and spiritual be real, then in healing Jesus was destroying what God had made.

2. That if men will faithfully follow the philosophy of Christian Science, "death will be obsolete. When we wake to the truth of Being, all error . . . sorrow, sin, and death will be unknown. Even the lightning will become harmless." Certainly, if men will do away with sinning these direct and indirect effects of sin will accordingly vanish. All church people believe in the Kingdom of Heaven, where sin and misery and death will be unknown. Christian Scientists believe that this spiritual Kingdom is here now, as Jesus said it was, and in proportion to our entrance into it we will be freed from every form of evil. St. Paul declares "the last enemy that shall be destroyed is death."

3. The critic says, "If every one of them [cures] has really been wrought, that does not prove the truth of Christian Science; for our Saviour warns us that 'false Christs and false prophets shall show great signs and wonders, inasmuch as they shall deceive the very elect.'" The Bible states: "Now when John had heard in the prison the works of Christ, he sent two of his disciples and said unto Him, Art Thou He that should come, or do we look for another? Jesus answered and said unto them, Go and show John again those things which ye do hear and see: the blind receive their sight and the lame walk, the lepers are cleansed and the deaf hear, the dead are raised up, and the poor have the gospel preached to them. And blessed is he whosoever shall not be offended in Me" (and in the logical sufficiency of My argument).

4. The last point raised is that "Christian Science does not exalt the power of prayer to heal the sick." There is not a Christian Scientist in the world who would not repudiate this statement. It is the antipode of their belief. If the critic had read *Science and Health*, as he says he has, he would have found the very first sentence of the first chapter of that book to be, "Prayer that reclaims the sinner and heals the sick is an absolute faith that all things are possible to God—a spiritual understanding of Him, an unselfed love."

From what has been written, is it true, in the judgment of the reader, that, as the critic affirms, Christian Science is opposed to the Church Creed? Has he proven his claim that Protestantism can only adopt Christian Science by abandoning and repudiating every fundamental doctrine for which it stands? Has he supported his contention that every article of the Apostles' Creed which expresses the faith of Christendom is denied by Christian Science? Has he shown the fundamental antagonism between the Creed which he says overthrows and Christian Science? By reading the following points of what they believe, the reader's common sense will surely decide whether these hundreds of thousands of Christian Scientists are "apostate."

1. As adherents of Truth, we take the inspired Word of the Bible as our sufficient guide to eternal Life.

2. We acknowledge and adore one supreme and infinite God. We acknowledge His Son, one Christ; the Holy Ghost or divine Comforter; and man in God's image and likeness.

3. We acknowledge God's forgiveness of sin in the destruction of sin and the spiritual understanding that casts out evil as unreal. But the belief in sin is punished so long as the belief lasts.

4. We acknowledge Jesus's atonement as the evidence of divine, efficacious Love, unfolding man's unity with God through Christ Jesus the Way-shower; and we acknowledge that man is saved through Christ, through Truth, Life, and Love as demonstrated by the Galilean Prophet in healing the sick and overcoming sin and death.

5. We acknowledge that the crucifixion of Jesus and His resurrection served to uplift faith to understand eternal Life, even the allness of Soul, Spirit, and the nothingness of matter.

6. And we solemnly promise to watch and pray for that Mind to be in us which was also in Christ Jesus; to do unto others as we would have them do unto us; and to be merciful, just, and pure.

A CHURCHMAN.

SOME IMPRESSIONS OF CUBA

BY SYDNEY BROOKS

THE first impression made on me by a recent trip to Cuba was the same as I received three years ago when I first visited the island. It was one of astonishment at finding both the capital and the country parts overrun with tourists. For three centuries at least, both to Europe and to America, the name of Havana has been a name of terror; and if the city is now on the way to becoming a recognized resort for pleasure-seekers, if a few days in Havana or a sentimental visit to the battle-fields round Santiago are to-day pretty regularly included in the return trip from Panama to New York, the Americans, and their splendid achievement in stamping out yellow fever, have to be thanked for it. The Cubans may not have learned much from the United States, but they have at least learned the value of cleanliness. All over the island drainage systems, water-supplies, and the whole machinery of public hygiene have been carefully studied; Havana nowadays is flushed as faultlessly as Paris or Berlin; and Cuba, a frostless land of perpetual June, where the thermometer rarely falls below sixty degrees or rises above ninety degrees, where the trade-winds play with daily refreshment, and where the climate during the winter months is a great healer of bronchial troubles, is at last beginning to realize that its old and sinister reputation as a fever den was due to no natural causes, but simply to the folly and ignorance of man, and that its present position with the second lowest death-rate in the world is much more representative of its real merits.

Even the European visitor who may be presumed to have seen and known something of Spanish life in its native home and who will therefore be predisposed to class Cuba along with Lower Quebec as a raw colonial edition of the real thing, will find in Havana something foreign enough and

picturesque enough to detain and delight him. The city has its associations with history to which Morro Castle and the pinkish walls of the Cabañas forts, guarding the exiguous entrance to the bay, still bear witness. It has its cathedrals and its dungeons, its huddle of darkened streets, its narrow pavements whereon the battle of the wall is daily fought out, its cafés that sometimes turn down their lights, but never seem to close their doors, and where at all hours you can be served with a varied and delectable meal, out-of-doors or on the roof, with the blue-black waters of the bay beneath. It has its central, indispensable, palm-fringed avenue and its fashionable afternoon driveway, skirting the Gulf of Mexico. It has its country club and its golf-links, its carnivals and festivals, its sparkling suburb of Vedado, its contrasts of electric street-cars, bullock wagons, and automobiles, its shrill peddlers, its opera-house, its shops where chaffering is carried to an almost Irish finish, its peopled fluttering balconies, and, above all, and permeating all, its high-pitched clanging noises. All this the average visitor, especially if he is from the United States and has had few opportunities for contact with an alien environment, finds eminently satisfying. But the real destiny of Havana, if it means to become one of the permanent winter resorts of the West Indies, is to develop something on the lines of another Monte Carlo. More than one concession to this end has been sought from the Cuban Congress, but so far, I gather, American morality, stimulated by the outcries of the Florida hotel proprietors, has been potent enough to prevent the scheme from taking shape and substance. If that is indeed the situation, one can only recognize in it one more touch of the sanctified hypocrisy that makes the English-speaking world kin. Americans would be untrue to the code of Anglo-Saxondom if, while not at all objecting to the Cuban people ruining themselves by the lottery, they were not instantly and properly scandalized that they should seek to entice wealthy Americans to gamble in a casino.

Outside of the capital, Cuba has not much to offer the mere sight-seer. There is a miniature Switzerland of bold hills and nestling châteaux in the eastern parts round Santiago; one recalls some happy moments as one bursts upon a great green sea of waving sugar-cane, or bowls in a motor-car between royal palms, or spends a night or two on a sugar

estate, with the humming mill on the right, a formal, luscious, painfully brilliant garden around one, and in front a baked compound traversed by laden ox-wagons, and by the Cuban planter sitting stiff and white on his nimble horse; and one remembers the plunge into the scents and colors of some primeval jungle. But, on the whole, Cuba is a land still in the making; governed for some hundreds of years by the least progressive of European peoples and repeatedly laid waste by civil war, it has had little chance to become "romantic"; and what really interests one on a tour through the island are sugar and tobacco and the prospects and possibilities of each, and the concessions, with the gossip of which the Havana cafés are buzzing, and the future of the henequen and fruit industries, and where the next railway line is to be cut, and the all-pervading play of politics. In the absence of "scenic wonders," and of nearly everything but desolation and backwardness to testify to the past, one falls back on examining the island as "a business proposition."

It is only within the last decade that Cuba has begun to realize either herself or her assets, to survey her natural resources, and to set about exploiting them in any systematic way. Even now barely one-twelfth of the island is under any sort of cultivation; many parts are almost as they were when Columbus first discovered it; in the eastern provinces, to leave the track of the Cuba Railroad is to find oneself as often as not in an uncleared jungle; fresh sources of agricultural, mineral, and industrial wealth are constantly being tapped; and, like the Western States of America thirty or forty years ago, Cuba resembles a storehouse of unsuspected riches awaiting the men and the money to unlock it. Nothing, for instance, a few years ago would have seemed more unlikely than that Cuba would one day be exporting over a million tons a year of the raw material of the American steel industry, or that a survey should show the island to contain deposits of three thousand million tons of iron ore. It is safe, indeed, to say that no one as yet has any precise idea of the wealth that Cuba is capable of producing. It is at once one of the most accessible spots on earth and one of the most neglected. It is situated on one of the most crowded and famous of trade routes—a route that will be more crowded than ever when the Panama Canal is open—and yet capital and modern science are only

just beginning to explore its opportunities. There are probably very few territories of its size in the world so richly endowed with potential wealth, yet it is only on the threshold of its development, and its population numbers little more than two millions, or about a fifth of what the island could and should support in comfort.

Of the many changes that have taken place in Cuba since the blight of Spanish rule was removed, none is of more importance than the opening up of the eastern districts. A dozen years ago Havana was better known abroad than Cuba; the ordinary visitor, whether on pleasure or business, rarely got farther east than Matanzas; there was practically no communication, except by sea, between Havana and Santiago; and the eastern end of the island lay not merely unimproved, but almost inaccessible. The enterprise of Sir William Van Horne in driving six hundred miles of track lengthways through the middle of Cuba has changed all that, and to-day it is beginning to be realized that the economic future of the island may well prove to lie in its eastern provinces, and that the long-worked soil of the western parts may in the end be outranked by the virgin and more productive soil of the east. Even now it is possible for any well-organized concern to go into what is to-day an uncleared wilderness or forest and in five or six years to build up a profitable industry in sugar, timber, and fruit. And the Cuba Railroad, which has thus opened up a hitherto sealed region of extraordinary fertility, is something more than a common carrier. It is itself energetically engaged in the work of development which it has made possible. It is building ports and dredging harbors; it is a large landowner and hotel proprietor, and it has erected two of the most compact and efficient sugar-mills on the island. All the Cuban railroads, indeed, strike one as extremely serviceable, well-managed, and enterprising. Sir William Van Horne has furnished the island with a steel backbone; some of the ribs that in the future will branch from it to the north and south coasts have still to be built; a line from Carbarien to Nuevitas along the north shore is already under construction; and when these additions are made the limits of railroad building in Cuba will have been pretty well reached and the problem will then resolve itself into a consideration of on what terms to bring the various companies under a single directing control.

Cuba, as I have said, is a land that is just beginning to repair the damage and neglect of three centuries, and any country in that position is bound to offer opportunities to the contractor and investor. The cities, for instance, are rapidly equipping themselves with the hotels, telephones, lighting plants, transportation services, aqueducts, sewage systems, asphalted or macadamized streets, and so on, demanded by modern communities. The Government, whatever its political shortcomings, has done much to develop the harbors—the lighterage charges at most of the Cuban ports have hitherto been a serious handicap on commercial expansion—to build main roads, to bridge the rivers, to extend the postal and telegraph systems, and to make the path smooth for foreign capital. The mere fact that the average rate of interest in the island on the best security is ten per cent., and that mortgages on unimpeachable property bring in a minimum of eight per cent., indicates the slenderness of Cuba's financial resources as compared with the greatness of her possibilities. Considerable industries remain to be built up out of the native supplies of sponges and textile plants; the rise in real estate all over the island affords many chances for a rapid turnover that Americans have been quick to seize upon; nearly all the staple agricultural products of the tropical and sub-tropical zone are indigenous, and the small holder has thus a wide range of choice in fruits and vegetables, cattle, swine, and poultry; and there are some 10,000,000 acres of uncleared forest, containing over fifty different varieties of hardwoods, besides unworked deposits of copper, ore, manganese, and asphalt. In Cuba, as elsewhere, the intending settler or investor needs common sense—needs especially to be sure that his titles are clear, that rail or water facilities are within reach, and that his market in the United States is not controlled by a trust—but if he will only exercise ordinary intelligence and judgment he will find that the island well repays the capital sunk in it. It is a white man's country if the white man has sense; more than one American colony of fruit-growers has proved as much; and the brilliant climate helps to take the edge off the first rough years of settling down.

But of all the openings for development to be found in Cuba the most profitable and by no means the least secure are those presented by the sugar industry. Sugar is king

in Cuba; tobacco is no longer, and coffee has long since ceased to be, even a pretender to the throne; and while fruit-farming and ranching can be made with perseverance to yield substantial returns, it pays better, as a rule, to put the land down in cane. The value of the Cuban sugar crop is some \$100,000,000 a year, and the mere financing of it, in a land where a man thinks himself lucky if he can raise money at twelve per cent., opens out a tempting field for judicious speculation. One hardly, however, exaggerates in saying that to enter the sugar industry in Cuba, as a planter and millowner and landed proprietor, is scarcely to speculate at all, so unique are the conditions and so sure the rewards. There are many parts of the island where, with little irrigation or the use of fertilizers, sugar has been raised profitably and unintermittently for a hundred years and more on the same piece of land. There are many others where no replanting is necessary more than once in ten years. The cane has nothing to fear from insects, and the wind-brakes and light railways and protective clearances, planted as a rule with sweet potatoes that are to be found on all modern plantations, have very greatly mitigated the danger from fire. The supply of labor is, on the whole, adequate, tractable, and traditionally skilled; and all the economic conditions of the industry have been revolutionized in the past few decades. The small mill has practically disappeared, and the small private plantation with it. Fifty years ago there were over a thousand mills in Cuba; to-day there are less than one hundred and eighty. But the mills of the present time are gigantic structures owning, in some instances, over two hundred thousand acres of land, working over a hundred miles of railway, turning out half a million bags of sugar a year, commanding ample capital, employing expert managers and thoroughly up-to-date machinery, devoting, in short, to the cane the same painstaking, scientific study, mechanical ingenuity, and progressive business methods that Germany has lavished on the beet. The result of this combination of human skill with the bounty of nature is that Cuba to-day produces the cheapest sugar in the world, and if put to it could undersell the product of the beet in the markets of Europe.

But Cuba at present has little call to think of Europe. Practically the whole of her crop goes to the American market, which it enters on preferential terms; and this is a

factor of the first importance in insuring the stability of the industry and in forecasting its probable development in the future. Cuba depends on the United States, but not so much as the United States depends on Cuba. The consumption of sugar by Americans increases at a faster ratio than that of any other people. They require already more than three million five hundred thousand tons a year. A decade hence they will need well over five million. Where is it to come from? Without entering into elaborate calculations it is enough to say that the Cubans appear to have good grounds for their belief that the United States will have to rely for its sugar more and more upon Cuba, and that Cuba alone is capable of the development that will be needed to cope with American demands. Everything, therefore, points to a continuous and lucrative growth of the Cuban sugar industry. The *colono* system—the system under which the land owned by the company is allotted to planters, or *colonos*, who plant, cut, and deliver the cane to the mill, receiving in return five pounds of sugar for every hundred pounds of cane—appears to work satisfactorily and has certainly many advantages from the standpoint of the general manager. Cuban sugar is, in short, as near an approach to a safe investment and a profitable employment as anything connected with agriculture can be.

Tobacco remains Cuba's second largest industry, and the peculiarities of soil and climate in the Vuelta Abajo continue to assure her a natural monopoly of the finest cigars, a monopoly that has defied all the efforts of science to resolve its causes or reproduce its constituent elements. The only thing that seems ever likely to threaten it is the carelessness or improvidence of the planters and manufacturers themselves—first, in lowering the quality of their output, and, secondly, in exporting so much of the leaf to America and elsewhere that the great name of Havana is in peril of losing its significance. As to whether it is really the fact that the true Havana cigar has of late years deteriorated, I hesitate to pronounce any opinion. The independent manufacturers on the spot impute the blame for such suspicion on the matter as exists partly to the Cuban rebellion and the Spanish-American war, partly to the importation of Mexican seeds that followed, partly to the strikes, political disturbances, floods, and cyclones that have severely interfered with the industry since 1905, partly to a change in the

taste of smokers who are coming more and more to prefer a light-colored wrapper and a mild-flavored cigar, but chiefly to the operations of the American Trust and its experiments in fertilizers and cultivation under cheese-cloth, its alleged indifference to the niceties of a manufacturing process every stage of which asks the highest discrimination and the most scrupulous care, and its reputed passion for "standardizing" its products. One's instinct tells one that if an American Trust were to buy up all the French vineyards, a drinkable champagne would be something of a rarity in ten years' time; but I am bound to add that in going over the Trust's factories in Havana I saw no evidence whatever that the old names and recipes and methods of manufacture and the varying yields of the different plantations were being robbed of all individuality and reduced to a common and undistinguished denomination. The charge, in my judgment, falls to the ground. I am even persuaded that the Trust, which owns some seventy-five per cent. of the best vegas in Vuelta Abajo, has rendered the tobacco industry of Cuba a considerable service by its scientific and systematic analysis of the soils, by its practice of testing seeds, and by many other wholesome innovations.

The growing export of the unmanufactured leaf, on the other hand, is a matter not of opinion, but of statistical demonstration. But it must, of course, be remembered that it is leaf of an inferior quality. Cuba last year sent abroad, mainly to the United States, over 300,000 bales of tobacco leaf, valued at nearly \$17,500,000, or about \$5,000,000 more than the value of her exports of manufactured cigars; and the figures of the last thirty-odd years show that while the export of finished cigars remains more or less stationary, the export of tobacco leaf, from which "Havana" cigars are manufactured at Tampa, London, Hamburg, and elsewhere, has practically trebled in the past three decades. The Cuban Government has sought to counteract this tendency by affixing a special label or stamp to cigars made in the island, and there has even been talk of imposing an export duty on the raw leaf, a device, however, that would infallibly defeat its own object. Meanwhile, though its condition is not altogether healthy and its prospects cannot be said to be free from doubt, an industry whose annual production amounts to little, if at all, less than \$45,000,000 is a valuable asset in the island's economy.

Cuba's prosperity, it will be seen, rests on a natural and therefore an indestructible basis. It is not, however, synonymous with the prosperity of the Cubans themselves. The retail business in the towns is mostly in the hands of Spaniards, a good deal of the best skilled labor is immigrant and migratory, the larger enterprises are almost wholly owned and managed by Americans, Englishmen, or Germans, and the natives tend more and more to become either mere squatters on the land of their birth or the dispossessed employees of alien capitalists. The poorer among them, heavily mulcted by the tariff, demoralized by the lottery, and shut off from the soil, live in a state of carelessly incongruous destitution; and there can be no question that a more economical government or one that would break up the large estates, encourage small holdings and the cultivation of the foodstuffs that might and should be raised on Cuban soil and that are now imported under heavy duties, establish a system of rural credit, and concentrate on the work of agricultural instruction and development, could do much to improve their condition, to remove a dangerous source of social and economic unrest, and to admit "the people" to a more definite share of the prosperity enjoyed by "the interests" that are engaged in the work of Cuban exploitation. President Menocal has shown abundant signs of recognizing that the well-being of the masses ought to be the first pre-occupation of statesmanship and has declared his intention of reducing the tariff and establishing a healthier ratio between direct and indirect taxation. But whether he succeeds or fails, and whatever its political future, the island is bound to go on increasing in wealth and offering to foreign capitalists and investors not only endless opportunities, but the strongest possible guarantees of security for legitimate enterprises.

The material welfare of Cuba, in short, may be taken as a thing assured. But unquestionably the pace at which it proceeds will be affected by the course of politics and the internal tranquillity or otherwise of the island. The outlook in that quarter, while decidedly more promising to-day than at any moment since Cuba stepped into control of her own destinies, is not and cannot be absolutely reassuring. After some four centuries of political torpor and servitude, the Cubans, a third of whom are negroes and perhaps two-thirds illiterate, have been set to work out a repub-

lic and a constitution on a basis of universal suffrage and under the somewhat indefinite but none the less effective suzerainty of the United States. Clearly they can only conduct so hazardous an undertaking to a successful issue after repeated stumblings and backslidings, amid many scandals, with frequent lapses from the democratic ideal, to the accompaniment of a continuous commotion, and by the exercise, on the part of the American Government, of an extraordinary patience, sympathy, and forbearance. In judging the good and bad points of the Cuban Republic, its genesis and the material it has to work upon, the history and characteristics of the Cuban people must always be remembered.

I have not, however, until quite recently detected among Americans any great anxiety to bear these salient facts in mind. It is always a difficult situation—we English found it so ourselves in the Transvaal—when one strong State exercises over another and weaker State certain ill-defined rights of supervision and control, especially when the subordinate State is one of great and increasing wealth, and when the nationals of the suzerain Power have acquired a heavy commercial and financial stake in its fortunes. Such a conjunction must almost necessarily breed a certain amount of friction and misunderstanding, particularly when, as in the case of Cuba and the United States, there is a difference of language, of social formation, of governing capacity, and a still greater difference in the two peoples' instinctive ways of looking at things. The Cubans owe more to the Americans than to any other nation, but as individuals they dislike them. The Americans have assumed heavy responsibilities in Cuba, yet few of them are within a mile of understanding the Cuban people. This lack of real sympathy and comprehension, springing from profound divergences of social structure and mental habits, seems somewhat ominously to reproduce the situation that existed between Great Britain and the Transvaal Republic; and the resemblance is heightened by the fact that in Cuba, as in the Transvaal of old days, most of the money and practically all the money-making enterprises, except politics, are in the hands of aliens, who feel no loyalty to the country of their adoption, and who would, indeed, for business and financial reasons, prefer American to Cuban rule.

Cuba has thus had a "bad Press" in the United States,

and the average American newspaper has been apt to comment on Cuban affairs in a spirit of more than British censoriousness and superiority, to open its columns freely to the tittle-tattle of the Havana cafés, and to expect Cuba to surpass the whole world forthwith in the art of self-government. What has complicated the situation in the very recent past is that America has nothing resembling a trained and expert Colonial Department, and that Cuban policy is liable to become the shuttlecock of minor officials in the War or State Departments. What still complicates it is that the Platt Amendment puts it into the hands of a Cuban minority to avenge itself for a lack of offices by raising such disorder as may seem to justify American intervention. On the other hand, the responsible statesmen at Washington have never at any time wanted to take over the management of the island, and popular opinion in America has always and sincerely wished Cuba well and desired to see the experiment of self-government succeed. None the less, as I tried to set forth in *THE NORTH AMERICAN REVIEW* for July, 1912, the habit grew up a few years ago of interfering with the details of Cuban administration and of using the Platt Amendment to justify almost every kind of recognition that the officials at Washington might choose to make on the Cuban Executive and Congress. When Mr. Taft was in the White House and General Gomez in the Palace at Havana it was the merest gallantry to speak of the Cubans as a self-governing people. At every turn they were being hampered and hauled up by the American Minister in Havana, acting under instructions from Washington; they never quite knew where they were or with whom they were dealing; and they saw that the Platt Amendment had been so stretched and distorted that it practically amounted to a system of governing Cuba from Washington without the bother and expense of a formal occupation of the island.

My recent visit to Cuba has convinced me that this pernicious and demoralizing policy has now been definitely abandoned. The American Minister in Havana no longer acts as wet-nurse to the Cuban Government; Washington no longer rains down demands and representations and veiled threats; the Platt Amendment is no longer used as a cloak for fussy meddlesomeness in the details of Cuban administration. Cuban-American relations, in short, are at last placed on a footing of reason, equity, and mutual

self-respect. Two factors above all others are responsible for this transformation. One is the accession to the American Presidency of a man of wide and tolerant outlook, with a sound conviction that all peoples who aspire to be self-governing must draw their strength from within and must learn by doing and not by being either coddled or coerced by some external agency. The other factor is the accession to the Cuban Presidency of a man of the highest character, devoted to his country's good, of wide business experience, trusted by his fellow-citizens of all classes, and endowed with a decisive and energetic temperament. Cuban-born and American-educated, a dashing fighter in the Spanish wars, the manager for many years of the largest sugar-plantation in the island, a sportsman and a gentleman, President Menocal is one of the most interesting and inspiring personalities that have yet appeared on the stage of Cuban public life. He is new to politics, but he has shown in the last nine months that he can play the game successfully and still keep it at a high level. That there should be installed in the Cuban Presidency an Executive of whom one can say with confidence, first, that he will maintain order inflexibly, secondly, that his patriotism is guided by a statesmanlike insight into realities, and thirdly, that he will rigorously safeguard the interests of the Government and the people in awarding contracts and concessions—this is, indeed, a development as surprising as it is auspicious. Since he assumed office last May President Menocal has gathered round him a band of upright and high-minded Cabinet Ministers; he has imported a healthier atmosphere into Cuban politics; with every month that passes he acquires a little more flexibility and a surer knowledge of the problems that confront him; he deserves and will, I believe, receive the utmost moral support that the Press and Government of the United States can give him. His accession to power and the uses to which he has demonstrated both his capacity and his intention to put it are, indeed, the most gratifying signs that have yet been vouchsafed that the day of "revolutions" is over and that Cuba is really advancing along the difficult road of self-government.

SYDNEY BROOKS.

FROM THE MOUNTAIN

BY GEORGE STERLING

LET us go home with the sunset on our faces—
 We that went forth at morn,
To follow on the wind's auroral paces,
 And find the desert bourn
The frontier of our hope and Heaven's scorn.

Let us go home with the sunset on our faces—
 We that have wandered far
And stood by noon in high, disastrous places
 And seen what mountains are
Between those eyries and the morning star.

Let us go home with the sunset on our faces:
 Although we have not found
The pathway to the inviolable spaces,
 We see from holy ground
An ocean far below without a sound.

GEORGE STERLING.

THE DIONYSIAN QUALITY IN VICTORIAN POETRY

BY LOUISE COLLIER WILLCOX

IN looking over certain prominent, present-day poets, Masfield, Gibson, and Davies, one sees reaction in both form and substance; in form toward greater simplicity and austerity; in substance toward a deeper concern for the immediate. Turn over a volume of Gibson and Masfield, for example, and the very words used are those of common conversation. One opens haphazard at such perfectly simple, straightforward utterances as:

I think of the friends who are dead, who were dear long ago in the past.

Her heart is always doing lovely things
Filling my wintry mind with simple flowers.

He swabbed the decks with clouts till it was dry.

These bespeak a democratic sympathy with common life that refuses to be above the general understanding even in diction.

The Victorian, however, looked at poetry not only as a high tradition, but as a legitimate profession. This is not by any manner of means asserting that poetry, so seriously envisaged, is necessarily a higher art. Few German poets rank with Heine, who may be said to have treated poetry much as the modern English poets are doing. First he discarded literary conventions and strove definitely to reproduce in his verse the spontaneity and naturalness of daily speech. Moreover, he appealed to very generally dispersed emotions and thoughts.

Returning to the Victorians, we find metaphysics liberally sprinkled over the work of Tennyson, Browning, Swinburne, Shelley, Wordsworth, and here and there an effort at it in that most concrete of workers, Keats. The quality we miss

in the Georgian poets of to-day and find in the greater Victorians may be called Dionysian after Nietzsche.

Nietzsche writes in a most explanatory passage:

“Dionysian art seeks to convince us of the eternal joy of existence; only we are to seek this joy not in phenomena, but behind phenomena. We are to perceive how all that comes into being must be ready for a sorrowful end; we are compelled to look into the terrors of individual existence, yet we are not to become torpid; a metaphysical comfort tears us momentarily from the bustle of transforming figures. We are really for brief moments primordial being itself and feel its indomitable desire for being and joy; the struggle, the pain, the destruction of phenomena now appear to us as something necessary, considering the surplus of innumerable forms of existence which throng and push one another into life, considering the exuberant fertility of the universal will. We are pierced by the maddening sting of those pains at the very moment when we have become, as it were, one with the immeasurable, primordial joy in existence, and when we anticipate in Dionysian ecstasy the indestructibility and eternity of this joy. In spite of fear and pity we are the happy living beings, not as individuals, but as the one living being with whose procreative joy we are blended.”

This passage, when it touches upon the necessity of the destruction of phenomena to make room for the innumerable forms of existence thronging and pushing into life, comes close to the Bergsonian philosophy of change. If one were striving carefully to distinguish between the Georgian, or present, and the Victorian method of the poets to realize the whole of life, one would say that the Georgian method is one of inclusion; the pointing out of phenomena heretofore looked upon as negligible; while the effort of the Victorians was a schooling in identification. In innumerable ways they repeated, there is a bond of union; all things are interconnected, interpenetrated, interpermeable, and are, therefore, largely considered one and whole. It is the difference between analysis and synthesis. This synthetic effort of the mind dictated entirely Swinburne's poem “Hertha.” Of this poem there is an amusing and well-authenticated anecdote. Swinburne had read Emerson's “Oversoul” with no little irritation. Fancy the feeling of Swinburne, Apollonian by nature, French and Greek by culture, coming upon the passage: “We live in succession, in parts, in particles.

Meantime within man is the soul of the whole; the wise silence; the universal beauty to which every part and parcel is equally related; the eternal one." In despite of irritation the immediate result of Swinburne's reading was the greatest philosophic poem he ever wrote:

I am that which began;
Out of me the years roll;
Out of me God and man;
I am equal and whole.

God changes and man and the form of them bodily; I am the soul.

I the mark that is missed
And the arrows that miss,
I the mouth that is kissed,
And the breath in the kiss,
The search, and the sought and the seeker, the soul and the body that is.

It is not known whether Swinburne ever knew Emerson's poem in the same vein:

Let the red slayer think he slays,
Or if the slain think he is slain,
They know not well the subtle ways
I keep and pass and turn again.

They reckon ill who leave me out,
When me they fly I am the wings;
I am the doubter and the doubt,
And I the hymn the Brahmin sings.

It has been the function of Apollo to distinguish between the beautiful and ugly; to exclude the undesirable and exalt the chosen; therefore to draw lines and fair ones in the world; to define, to limit, to make a harmonious and lovely representation of life. It was the function of Dionysius to escape, whether by religious ecstasy or by the intoxication of the vine, or by the wayward loosening of the shackles of the individual, to escape limitation; to destroy whatever pretended to completion; to break down barriers; to identify the self with the whole of life and nature; and to exalt that chaos which preceded the division of life into light and darkness.

To return to Nietzsche, who first pointed out clearly these distinctive impulses of thought and art: "Apollo vanquishes the suffering of the individual by the radiant glorification of the eternity of phenomena; here beauty

triumphs over the suffering inherent in life. . . . In Dionysian art and its tragic symbolism the same nature speaks to us with its true, undissembled voice. 'Be as I am!' amidst the ceaseless change of phenomena the eternally creative primordial mother, eternally impelling existence, self-satisfying eternally with this change of phenomena."

The immediate answer of any artist of Apollonian training to a mystical Dionysian tendency is: This is inartistic; just as it is the present-day reply to the futurist painters and sculptors. Art, would the traditionalists say, is the careful barring out of the ugly and the inspired choice of the beautiful, or at any rate of the clearly interesting? Not at all, is the answer of the futurist and the cubist and the synchronist; art is any possible creation that is a part of life and nature.

The Dionysian element in life, then, is that striving which makes for realms beyond the bounds of logically defined reason; a realm highly reprobated by such writers as Mr. Santayana and Vernon Lee, to whom the long tradition of human logic fulfils the whole gospel of life.

"Undoubtedly," writes the former, "actual spirit is simple and does not know how it builds; but for that reason actual spirit does not really create or build anything, but merely watches, now with sympathetic, now with shocked attention, what is being created and built for it."

Keats, of all the Victorians, was the most perfect example of an Apollonian poet. When he wrote the "Ode to a Grecian Urn" he was entirely Apollonian, but when in the "Ode to a Nightingale" he remembered how often he had been "half in love with easeful death" and yearned again "to cease upon the midnight with no pain," he was verging upon the Dionysian mode of consciousness, as he was more especially in "Endymion" when he answers the question, "Wherein lies happiness?" with,

In that which becks
Our ready minds to fellowship divine,
A fellowship with essence; till we shine
Full alchemized and free of space.

This same "fellowship with essence" was a most constant presence with Wordsworth, who aimed at Dionysian results, not only after the Georgian method, the discarding of chosen material and lifting up of the commoner and

more general aspects of life, but by the real Dionysian *Berausung*.

There I beheld the emblem of a mind
That feeds upon infinity, that broods
Over the dark abyss, intent to hear
Its voices issuing forth to silent light
In one continuous stream; a mind sustained
By recognitions of transcendent power,
In sense conducting to ideal form;
In soul more than a mortal privilege.

Further on in the same passage he speaks of this power to feed upon infinity as being the power by which all higher minds deal with the whole compass of the Universe. He extols common life and the childlike mind and the connection of one sense by another because all these lead to a sense of the community and interrelation of life. Our childhood, he assures us

Sits upon a throne
That hath more power than all the elements.
I guess not what this tells of Being past
Nor what it augurs of the life to come;
But so it is.

Again we strike the Dionysian note in the joy

Of elevated thoughts; a sense sublime
Of something far more deeply interfused
Whose dwelling is the light of setting suns,
And the round ocean and the living air,
And the blue sky and in the mind of man;
A motion and a spirit that impels
All thinking things, all objects of all thought
And rolls through all things.

He is quite sure that our birth is but a sleep and a forgetting and the soul that cometh from afar has not altogether lost its relation with the totality of life,

But trailing clouds of glory do we come.

It is by this dim sense, he feels, that listening to the notes that are the ghostly language of the ancient earth, man drinks in visionary power. The soul remembering *how* she felt, but not *what* she felt,

Retains an obscure sense
Of possible sublimity whereto
With growing faculties she doth aspire.

In such moments of the submergence of self,

A holy calm
Would overspread my soul, that bodily eyes
Were utterly forgotten, and what I saw
Appeared like something in myself, a dream,
A prospect of the mind.

He cannot away with the thought that dust as we seem to be, there is a dark, inscrutable workmanship reconciling discordant elements in life, making them cling together in one society, like harmony in music; he is sure when we will,

Our souls have sight of that immortal sea
Which brought us hither.

There is then no break that counts between the single soul and the great creative force which is the whole, for Wordsworth.

The Dionysian quality is shown in many forms in Shelley: in his reiterated desire to find unconsciousness in swooning or in ecstasy; in his sense of the continuity of life, before and after death; in his sense of all being in One. And again in his choice of terrible themes.

I pant, I sink, I tremble, I expire,

was a repeated state with Shelley. He was known to swoon at the sweetness of daffodils, and in the "West Wind" Ode he speaks of sense fainting at the sweetness of flowers. In "Episychidion" he speaks of jonquils that dart their arrowy odour through the brain,

Till you might faint with that delicious pain.

And of murmurs as from a hyacinth full of honey dew that kills "the sense with passion," and again a wild odour felt "beyond the sense."

Love and beauty come to him always "like echoes from an ante-natal dream." Death is merely being "made one with Nature" and in one case "a portion of the loveliness." "The One remains, the many change and pass."

That light whose smile kindles the universe,
That beauty in which all things work and move,
That benediction which the eclipsing curse
Of birth can quench not, that sustaining love
Which through the web of being blindly wove

By man and beast and earth and air and sea
 Burns bright or dim, as each are mirrors of
 The fire for which all thirst, now beams on me,
 Consuming the last clouds of cold mortality.

Sleep has sights as clear and true
 As any waking eyes can view,

is an assertion of his belief in subconscious experience. The "world's shadowy walls" were constantly disappearing, leaving his soul to sublime experiences.

Wild Spirit which art moving everywhere;
 Destroyer and Preserver,

whom he hails in the "Ode to the West Wind," is the very name of Dionysius also.

I die, I faint, I fail,

in the "Indian Serenade" is again a Dionysian ecstasy as is his power to throw himself into the sensations of a cloud or wind. He loved all waste and solitary places because there we taste

The pleasure of believing what we see
 Is boundless as we wish our souls to be,

And he loves as well all points where earth and ocean meet,

And all things seem only one
 In the universal sun.

Like Wordsworth, he felt,

A spirit interfused around,
 A thrilling silent life.

He knew how joy denies itself because it, too intense, is turned to pain. They are chiefly happy whose pleasure sought

Extinguishes all sense and thought.

It was "memories of an ante-natal life" that made this world seem less like a "penal hell."

But it is in his choice of terrible themes for his tragedies, above all, that Shelley shows himself a thorough Dionysian. For, unlike Apollo, Dionysius never avoids the terrible. It is Dionysius who realizes in the cosmic will the insistent demand for the destruction of the individual. In so far as life is a striving for personal satisfaction, in so far as

it necessarily miserable and futile. The Dionysian welcomes the call of unknown and vaster forces regardless of their powers of destruction. Tragedy is, of course, founded upon destruction; it deals with the forces that are destructive of life, ties, bonds, of all static and peaceful conditions. It elevates, as Schopenhauer has pointed out, because it awakens the knowledge that mortal life is unworthy of profound attention. The Dionysian spirit invites the undaunted vision into eternity, and is undismayed by death and destruction because its thought is identified with the idea of eternal becoming. It attacks the traditional in the full conviction that creation itself is imperishable and will go on forever. It is ruthless with the temporal, aiming ever at the larger, the more unbounded creation. There are terrors, indeed, to the frail in the Dionysian vision. Who can face unflinchingly the thought of the vast emptiness of the interstellar coal-sacks of space? Who can look peacefully at the eternal unfolding of time, space, and causality? Not until the instinctive care for the survival of the individual is gone can the Dionysian spirit truly awaken and look out with impunity. This spirit admits the eternal contradiction; man's desire for rest, the static, the permanent, but realizes his growth consists in breaking the moulds in which these may be found, and making forward into vaster spaces.

Nietzsche makes a distinction between the Apollonian who triumphs in forms and consoles by their means, and the Dionysian whose outlook is in ecstasies. For only in veritable ecstasy can a human being still rejoice in the titanic and barbarous forces of destruction. Only in intoxication can a mother tear her son limb from limb as in *The Bacchæ*. Yet the Apollonian endures only through such outbreaks. Art—all art tends to become trite, formal, uninspiring and conventional by repetition, and the chaotic is its refuge and safety. Even the Venus of Milo and the Samothracian Niké, though they retain their historic grandeur, cannot be permanent exponents of consciousness. The moulds must be broken for newer and vaster ideas to enter.

With Whitman and Edward Carpenter, the Dionysian sense of the oneness of existence is perpetually present. Whitman cannot away with cataloguing various things in order to persuade that they are, after all, one thing. Carpenter, too, feels insistently how

All things melt and run—if you only watch them long enough!
And you cannot imprison anything into one shape—it will surely give
you the slip.

Nothing in essence dies, and nothing in mortal form remains.

Both these poets seem to turn from the tragic aspects of Dionysius and attempt to make the visage of eternity amiable and familiar. They forget the suffering Dionysius who himself underwent the agonies of dismemberment and exemplified all the sorrow of knowing two worlds at once, the limited and the limitless. Dionysius, according to the Greek conception, at least, even in the most wanton ecstasy, never lost the elements of majesty and terror. He aims, indeed, ever at the emotions and conceptions that are untrammelled and unbounded; knowledge and suffering are faced unflinchingly, and solace is offered only in the voluntary abdication of the ego and the sense of being one with the whole. Even Tennyson notes this sense in such poems as "The Higher Pantheism," "De Profundis," and "Flower in the Crannied Wall," as well as in such prose descriptions of trance as:

All at once, as it were, out of consciousness of individuality, individuality itself seemed to dissolve and fade away into boundless being, and this not in a confused state, but the clearest of the clear, the surest of the sure, the weirdest of the weird, utterly beyond words—when death seemed impossible—the loss of personality seemed no extinction, but the only true life.

The tradition reaches down even to William Watson, who writes of those moods when life stands

With hands
Stretched toward visionary lands,
Where vapors lift
A moment, and aerial strands
Gleam through the rift.

The Dionysian quality is noticeably absent from the work of the young Georgian poets of promise. We have not yet found an English poet of this generation who can give us a concentrated picture of the world, using the Apollonian means to a Dionysian end. But should the modern tendency to prefer the commonplace and trite image and symbol continue, much that is beautiful and vital in poetry will go lost. For great poetry must strive after great associations. It will also prefer forms of distinction and elevation, and a diction definitely adapted, by tradition and convention, to the uses of poetry.

LOUISE COLLIER WILLCOX.

PORTRAIT OF A LADY: MRS. PEPYS

BY GAMALIEL BRADFORD

THE psychographer is apt to be hampered in his study of women by lack of material. Men of energy and vigor make themselves felt in the world at large. Even if they write little, they have a vast acquaintance, come into close contact with those who can write, and all their doings and sayings of importance are narrowly watched and minutely chronicled. In making their portraits one is apt to be embarrassed rather by the excess of material than by the lack of it.

With women this is not the case. Those who have public careers, historical figures, artists, writers especially, are approachable enough. And there is a great temptation to portray these mainly, if not exclusively. Yet so far from being all of the sex, they are not fairly representative, perhaps one may even say they are not normally representative. It is the quiet lives that count, the humble lives, the simple lives, lives perhaps of great achievement and of great influence, but of great influence through others, not direct. The richest and fullest and most fruitful of these lives often pass without leaving any written record, without a single trace that can be seized and followed to good purpose by the curious student. No doubt such women would prefer to be left in shadow, as they lived. But the loss to humanity in the study of their nobility and usefulness is very great. And above all, in portraying women of another type we should not forget these fugitive and silent figures who ought to be occupying the very first place in the history of their sex.

No one will maintain that Elizabeth, wife of Samuel Pepys, was an especially noble or historic personage, or that her influence in the world, direct or indirect, was of a character to deserve any particular celebration. She appears, however, to have been thoroughly feminine, and she is exceptional and interesting in this one point at least, that she has not left

posterity a single written line, yet she is known to us, from the diary of her husband, with an intimacy and an accuracy of detail which we can hope to acquire with few personages who lived so long ago. George Sand remarked justly of Rousseau's *Confessions*, that while he was without doubt at liberty to expose his own frailty, he had no right, in doing so, to expose the frailty of others. Right or wrong, Pepys certainly exposed his wife, in all her humanity, to the curious gaze of those who care to read. If we had a full volume of her letters, we could probably add something to certain phases of her experience, and more than anything else we should be glad to have her frank and daily comment on her husband. But, as it is, we know her as we know few of our living acquaintances and not all of our intimate friends.

When she first sailed into our ken, she was twenty years old. Pepys married her at the early age of fifteen. It was a pure love-match. He was poor and she was poor. Her father was a French Protestant. He was unsuccessful and unthrifty, and Pepys helped the whole family, so far as he could. Of Elizabeth's early life we know little except that her Catholic friends tried to convert her. Of her married life before the diary begins, in 1660, we know nothing.

She was eminently beautiful. Pepys assures us of this, and he was a connoisseur. Nor was this a lover's illusion on his part. Years after his marriage, when too much friction had set in between them, he reiterates his opinion, and notes with pride that she is not outshone by the greatest beauties of the time: "My wife, by my troth, appeared as pretty as any of them; I never thought so much before; and so did Talbot and W. Hewer, as they said, I heard, to one another." The admiring husband does not attempt details, and perhaps it is as well. In the likenesses that have come down to us we do not discern any singular charm: a forehead rather full and prominent, eyebrows gracefully arched, a strongly marked nose, the mouth somewhat heavy, with lips, especially the upper, protruding.

That Mrs. Pepys's dress occupied a large place in her thought, as well as in her husband's finances, goes without saying. He wishes her at all times to look well, but is not always eager about paying the bills. She follows the fashions, but not, it would seem, too curiously. Black patches, pendent curls, enhance or disfigure her natural charm. She cuts her dresses low in the neck, considerably to Pepys's dis-

gust, "out of a belief, but without reason, that it is the fashion." When worldly prospects are favorable, she gets gifts—for example, a new silk petticoat, "a very fine rich one, the best I did see there, and much better than she desires or expects." On the other hand, if a speculation—or a dinner—goes awry, her adornments are viewed less amiably. The purchase of a costly pair of earrings "did vex me, and brought both me and her to very high and very fowle words from her to me."

As this shows, she was in many ways a child; and what else should she have been? Married at fifteen, after a wandering and uncertain youth, how could she have attained solid training or any staid capacity? When she came to Pepys she had apparently little education, but it is clear that she had a quick mother wit, so that with the passage of years she probably acquired as much as might decently justify the eulogy of her delightful epitaph, "*forma, artibus, linguis cultissima.*" Her husband was vexed by her false spelling, which must, therefore, have indeed been atrocious. But in his leisure hours he taught her arithmetic, geography, astronomy, and declares, in his patronizing way, that she made good profit.

She was a considerable reader, perhaps not of very solid literature, but at any rate of the poets and novelists. When obliged to remain at home, with a new Easter bonnet, on account of Pepys's indisposition, she consoles him, if not herself, by reading Fuller's *Worthies*. On other similar occasions she reads Du Bartas or Ovid. Her erudition at times even produces a great effect on her husband, as when she assures him that the plot of a popular play is taken from a novel, goes home and puts the passage before him; also when she laboriously copies out a letter on jealousy from the *Arcadia* and submits it to him for his edification. The romances that she loved she knew by heart, for her mentor finds occasion to check her for "her long stories out of Grand Cyrus, which she would tell, though nothing to the purpose, nor in any good manner."

When she was married she had not many accomplishments. But Pepys wanted a wife who would do him credit, and took pains to teach her. Also, it must be added, that music was one of the greatest pleasures of his life, and he tried hard to share it with her. Sometimes he is encouraged. She really has quite a voice, if it were not that she has no ear. And

even if she has no voice, she is so deft with her fingers that he is sure she will play the flageolet charmingly. Then it ends too often in the wail of the musical temperament over the temperament that is not musical and never can be. With drawing it is somewhat better. The lady makes progress, she decidedly outdoes Peg Penn, which is gratifying, and in one case, at least, her husband defers abjectly to her esthetic judgment. I "did choose two pictures to hang up in my house, which my wife did not like when I came home, and so I sent the picture of Paris back again."

Mrs. Pepys's enthusiasm for her artistic pursuits was so great as occasionally to bring reproach upon her for neglect of her household duties. But in general we may conclude that she was a faithful, a devoted, and an interested house-keeper. In a girl of twenty some slips were surely to be looked for. "Finding my wife's clothes lie carelessly laid up, I was angry with her, which I was troubled for." The record, however, usually indicates both intelligence and energy. "My poor wife, who works at home all day like a horse," remarks the not always appreciative husband. There are spurts of cleanliness when the lady and her maids rise early and labor late with a grim determination to rid their belongings of dirt, that monster of the world. Every woman will sympathize and will resent the unfeeling comment of the observing cynic: "She now pretends to a resolution of being hereafter very clean. How long it will hold I can guess."

Washing seems to have been done with a thoroughness which makes up for its rarity. Washing-day upsets the whole household and with it Mr. Pepys's temper, because he had invited friends to dinner and does not see how preparations could possibly be made to receive them. Nevertheless, I imagine the guests were received, and had no suspicions. A good housewife can work those miracles. At another time he goes to bed late and leaves mistress and maids still washing, washing.

The lady was a cook, too, and no doubt a good one. Many a dinner of her getting is minutely detailed and many more of her supervision. As has happened to others, her new oven bakes too quickly and burns her tarts and pies, but she will "know how to do better another time." And this is a little touch of character, is it not?

But the sweetest picture of Mrs. Pepys at work is drawn

by her husband's memory, as he looks back from prosperity on cottage days and simple love. "Talking with pleasure with my poor wife, how she used to make coal fires, and wash my foul clothes with her own hand for me, poor wretch! in our little room at my Lord Sandwich's; for which I ought forever to love and admire her, and do; and persuade myself she would do the same thing again if God should reduce us to it."

Riches diminish some cares and swell others. In the little room at Lord Sandwich's the servant problem was not serious. Afterwards it became so. A procession of sweet old English names, Nells and Janes and Nans and Debs, bobs and dances through the diary, sometimes in tears, sometimes in laughter, sometimes trim, dainty, and coquettish, sometimes red-armed and tousle-headed. Some please master and mistress both, some please only the mistress, some, alas!—not the red arms and tousled heads—please only the master and fill that quaint and ancient Pepysian domesticity with tragedy and woe. Nothing, absolutely nothing, not even her children, tests a woman's character so much as do her servants. From all that we read, it seems safe to assume that in the main Mrs. Pepys showed judgment, common sense, and balance in the treatment of hers. If she flares out occasionally, we must remember that she was very young and that she lived with servants in very close intimacy. I fancy that her voice had deserved weight in that pretty little scene which took place in the garden and the moonlight. "Then it being fine moonshine with my wife an hour in the garden, talking of her clothes against Easter and about her maydes, Jane being to be gone, and the great dispute whether Besse, whom we both love, should be raised to be chamber-mayed or no. We have both a mind to it, but know not whether we should venture the making her proud and so make a bad chamber-mayde of a good-natured and sufficient cook-mayde."

Probably not even wayward affection has wrecked domestic peace so frequently as money, or the lack of it. Was Mrs. Pepys a good economist? She was woman enough, human enough, to take delight in comfort and luxury. A new hanging, a new picture, a new bit of furniture enchanted her, as did a frock or a jewel. The purchase of the family coach was a matter of manifest rejoicing. Also, she was not perfect in her accounts, and, when called to a

stern audit by her source of supply, was forced to admit that she sometimes juggled with the figures, a confession truly horrible to one whose Philistine morality strained at a commercial gnat and swallowed a sexual camel. It "madded me and do still trouble me, for I fear she will forget by degrees the way of living cheap and under sense of want." Nevertheless, her management is usually approved. After all, she costs less than other wives, a good many; and occasions of expense for her are not so frequent, all things considered. Even, in one felicitous instance, she receives praise, of that moderate sort which must often content the starved susceptibilities of matrimony. "She continuing with the same care and thrift and innocence, so long as I keep her from occasions of being otherwise, as ever she was in her life."

One question that occurs frequently in regard to Mrs. Pepys is, Had she friends? Apparently she had none. Perhaps her vague and troubled youth had kept her from contracting any of the rapturous intimacies of girlhood. If she had done so, they did not survive marriage. For Pepys was not the man to let his wife's close companions pass without comment. He would have hated them—or loved them—and in either case made his house not over-pleasant to them. Perhaps he had done so before the diary begins. At any rate, while Mrs. Pepys had many acquaintances, we do not see that she had one real confidante to whom she intrusted the many secrets that she obviously had to intrust. And in consequence she was lonely. The diary shows it in touching fashion. Mr. Pepys recognizes it, but, with a certain cold-bloodedness, prefers having her lonely at home to having her dissipated abroad. So she is left to gossip and bicker with her servants, to pet her dogs and birds, and to quarrel with her husband. Even of her own family she sees little. Pepys did not seek their society, because they always wanted something. And they did not seek his, because they did not always get what they wanted, though with them, as with others, he was usually just and often generous.

It must not, however, be supposed that Mrs. Pepys was a Cinderella, or that the maids in the kitchen were her sole society. Pepys was proud of her, proud of his house, proud of his hospitality, which enlarged as riches came. He took her about with him often to the houses of his friends. Now

and again they made a journey together with great peace of mind and curious content. Also, few weeks passed that he did not bring some one home with him, for dancing, or music, or general merriment, and in all these doings Mrs. Pepys's share was greater or less. I think we can easily surmise her hand in that royal and triumphant festivity, the mere narrative of which breeds joy as well as laughter in any well-tempered disposition. "We fell to dancing, and continued, only with intermission for a good supper, till two in the morning, the music being 'Greeting,' and another most excellent violin, and theorbo, the best in town. And so with mighty mirth, and pleased with their dancing of jigs afterwards several of them, and among others, Betty Turner, who did it mighty prettily; and, lastly, W. Bate-lier's 'Blackmore and Blackmore Mad'; and then to a country dance again, and so broke up with extraordinary pleasure, as being one of the days and nights of my life spent with the greatest content; and that which I can but hope to repeat again a few times in my whole life. This done, we parted, the strangers home, and I did lodge my cozen Pepys and his wife in our blue chamber; my cozen Turner, her sister, and The. in our best chamber; Bab, Betty, and Betty Turner in our own chamber; and myself and my wife in the maid's bed, which is very good. Our maids in the coachman's bed; the coachman with his boy in his settle-bed, and Tom where he uses to lie. And so I did, to my great content, lodge at once in my house, with the greatest ease, fifteen, and eight of them strangers of quality." And surely Mrs. Pepys was the queen of the feast, even though her name is not once mentioned.

Moreover, she had the social instinct, and gave her husband advice as to his conduct in the world, which he himself recognizes as excellent, and resolves to follow it. "I told all this day's passages, and she to give me very good and rational advice how to behave myself to my Lord and his family, by slighting everybody but my Lord and Lady, and not to seem to have the least society or fellowship with them, which I am resolved to do, knowing that it is my high carriage that must do me good there, and to appear in good clothes and garbe."

In one of Pepys's diversions, which meant more to him than almost any other, Mrs. Pepys was allowed to share to a considerable extent, and that was theater-going. It would

seem that she entered into it as heartily as did her husband and with quite as intelligent criticism. In one of his delightful spells of conscience-ache he reproaches himself for going to a play alone after swearing to his wife that he would go no more without her. But he sometimes permits her to go alone, and very often enjoys her company and her enthusiasm. Occasionally she differs from him without shaking his judgment. But they agree entirely in their delight in Massinger's "Bondman," and as entirely in their contempt for "A Midsummer-Night's Dream."

When one considers the frailties that resulted from Pepys's social relations, one is tempted to ask how Mrs. Pepys was affected in this regard. So far as we can judge, it was not an age of very nice morality, at any rate among the upper classes. Wives as fair and as respectable as Pepys's seem to have entertained the addresses of lovers more or less numerous. But I think we may assume that the lady we are concerned with was all that a wife should be. Pepys himself was undoubtedly of that opinion, and he was an acute and a by no means partial judge. He does, indeed, have tempestuous bursts of jealousy. There was a certain dancing master, Pembleton by name, who caused a great deal of uneasiness. It is pretty evident that Mrs. Pepys coquetted with him, perhaps intentionally, and drove her husband at moments to the verge of frenzy, perhaps intentionally. It "do so trouble me that I know not at this very minute that I now write this almost what either I write or am doing." But it blows over with the clear admission that the parties had been nothing more than indiscreet.

Also, I divine a little malice in that pleasant incident of later date when Mrs. Pepys appears with a couple of fine lace-pinner, at first causing infinite disquiet by the suspicion that they were a present and then dispelling this disagreeable state of mind by another hardly less disagreeable. "On the contrary, I find that she hath bought them for me to pay for them, without my knowledge."

Under other aspects of morality, Mrs. Pepys perhaps impresses us less favorably. She would seem to have had faults of temper, faults of tongue, to be at times inclined to deception, at times to violence. Here again her age must be remembered, her age and her training. I imagine that in some moral points she was more practical than her husband, less inclined to hair-splitting nicety. I

would give a good deal to know what she thought of his precious business of vows, his fine distinctions as to indulgence and abstinence, his forfeits, his pretexts and subterfuges. When he made up for a vow broken in an extra visit to the theater by getting her to substitute one of her visits which she could not use, I can see her soothing agreement, "Oh, yes, Sam, of course, why not?" And I can see also the fine smile twitching the corners of her pretty mouth as she watched the departing Phariseism of those sturdy English shoulders.

What religion she had back of her morals—or immorals—we do not know. Although, in the enthusiasm of first love, she announced that she had a husband who would keep her out of popery, she doubtless soon found that there was not much spiritual comfort to be had from him who in good fortune boasted of sharing the utter irreligion of Lord Sandwich, yet when things went wrong dreaded abjectly that the Lord God would punish him for his sins. Curious depths of inward experience suggest themselves from the fact that Mrs. Pepys became a Catholic and received the sacrament without a single suspicion on the part of her watchful inquisitor. Yet, after all, there may have been little spiritual experience, but merely a deft confessor and an unresponsive world.

So it is hard to find out whether Mrs. Pepys loved God, and it is equally hard to find out what we are even more eager to know, whether she loved her husband. In considering the point, we must remember first that the world saw him quite other than we see him in the diary. We see the lining of his soul, somewhat spotted and patched and threadbare. The world at large saw the outer tissue, which was really imposing and magnificent. Not only was he a useful, prosperous, successful public servant and man of business, but he had more than the respect, the esteem and admiration of the best men of his time as a scholar and a gentleman. Here, therefore, was a husband to be proud of.

Pride does not make love, however. And we know well that folly and even vice often hold a woman's heart closer and longer than well-laundered respectability. It would appear that Mr. Pepys might have combined all the desired qualifications with peculiar success. Yet as to the result, I repeat, we do not know. And it is strange that we do not. Every shade of the husband's varying feelings is revealed

to us, but what the wife feels he does not record, because, alas! he does not greatly care. Or rather, may we say that he assumed that she worshiped him? And may we not go further and conclude that he was right in so assuming, and that for one word of real affection she was ready to lay all her whims and errors and vagaries at his feet? Is not this attitude quite compatible with understanding him completely?

His family she did not love, nor they her. The case is not unprecedented. Very likely she tried her best. Very likely they tried their best. But she was young and fashionable and quick-witted. They were old, some of them, and all of them antique. Then they adored Sam, who was making the family. Well, so did she. But she knew Sam and did not care to have his Sunday attitudes and platitudes thrust upon her perpetually.

If they had only had children, how different it might all have been. Pepys as a father would have furnished one more delight to the civilized world. Mrs. Pepys as a mother would have come in for some bad half-hours, but she would have been more cherished and even more interesting. There is little evidence that Pepys regretted his childless state, or that his wife did. But we can guess how it was with her.

I have said that Pepys's feelings toward his wife can be seen in minute detail all through the diary. The study of them is profoundly curious. That he was an ardent lover before marriage is manifest from many casual observations, notably from one of the most high-wrought and passionate entries in the entire record. "But that which did please me beyond anything in the world was the wind-musique when the angel comes down, which is so sweet that it ravished me, and indeed, in a word, did wrap up my soul so that it made me really sick, just as I have formerly been when in love with my wife."

The calm daylight of matrimonial domesticity paled these raptures to a very considerable extent. It has done so in other cases. The dull wear of duns and debts, the friction of household inconveniences, an ill-cooked dinner, an ill-dusted study—these things may not shatter the foundations of love, but they do a little tarnish its fresh trim and new felicity. Yet, though the husband is no longer made "almost sick" by the lover's rapturous longing, there are plenty of instances of a solid habit of affection, growing

firmer and more enduring with the passage of years. When she is away on a visit, his heart is heavy for the absence of his dear wife, all things seem melancholy without her, and he is filled with satisfaction at her return. When she is ill, suddenly and violently ill, his anxiety and distress prove to him his great love for her, though, when the crisis is past, his incomparable candor adds, "God Forgive me! I did find that I was most desirous to take my rest than to ease her, but there was nothing I could do to do her any good with." When the world goes wrong and life seems nothing but toil and trouble, he turns to her and gets her to comfort him.

It is true that that relentless diary has scenes as painful as they are curious, scenes in which the estimable naval secretary and friend of Newton and Evelyn comports himself after a fashion that would be disgraceful in any station of life. There are outbursts of jealousy and fits of temper; kickings of furniture and trinkets smashed in spite; abuse, blows, and nose and ear pullings of intolerable indignity. The fault is confessed, and temporarily forgotten. "Last night I was very angry, and do think I did give her as much cause to be angry with me." Then, some wretched trifle, an ill-prepared dish, a shilling misspent, a foolish fashion followed, sets all awry again. I do not know where in literature to find a fiercer or more cutting scene of domestic infelicity than that of the tearing of the old love letters. Mrs. Pepys had written a remonstrance as to some phase of ill-treatment. "She now read it, and it was so piquant, and wrote in English, and most of it true, of the retiredness of her life, and how unpleasant it was; that being wrote in English, and so in danger of being met with and read by others, I was vexed at it, and desired her and then commanded her to tear it. When she desired to be excused, I forced it from her and tore it, and withal took her other bundle of papers from her. . . . I pulled them out one by one and tore them all before her face, though it went against my heart to do it, she crying and desiring me not to do it, but such was my passion and trouble to see the letters of my love to her . . . to be joyned with a paper of so much disgrace to me and dishonor, if it should have been found by anybody."

Things like this, one would think, could never be forgotten. Yet they are. "After winter comes summer," says

The Imitation, "after the night the day, and after a storm a great calm." Great calms came in the Pepys family also. "I home, and to writing and heare my boy play on the lute, and a turne with my wife pleasantly in the garden by moon-shine, my heart being in great peace, and so home to supper and to bed." Life is indeed made up of delightful—and pitiful—contrasts.

Undoubtedly the worst domestic troubles of the Pepys were caused by the husband's extreme susceptibility to feminine charm. "A strange slavery that I stand in to beauty," he remarks, with that pleased amazement at himself which is one of his greatest charms. The detail of these infatuations—how they were mildly resisted at first, and how they grew and developed to an extent hardly possible for a man so situated, in a less scandalous age, how they were indulged, and then repented, and again indulged, and repented again—belongs to the history of Mr. Pepys—and of human nature. Mrs. Pepys knew little of them, though she divined much.

What does concern her is the very instructive fashion in which she gradually gained power over her husband by these infidelities themselves. She knew well that he loved her at heart. At any rate, she knew that he was held to her by bonds of habit and circumstance which a man of his temperament could never shake off. Therefore, she learned that by the aid of jealousy and tears and scenes she could in time mold him to almost anything she wished. This experience began with outsiders, with Mrs. Pierce and Mrs. Knipp. A little well-placed anger—certainly not feigned—was found to accomplish wonders. "Which is pretty to see how my wife is come to convention with me, that, whatever I do give to anybody else, I shall give her as much, which I am not much displeased with." By the time the crisis of the maid, Deb Willett, had arrived, Mrs. Pepys had become past mistress in the art of working on her husband's sensibilities. Note, that I do not mean that this was a coldly deliberate process; simply that all the instinct of her outraged affection concentrated itself on energetic means of overcoming this foolish and recalcitrant male, and triumphed magnificently. Deb is wooed and forsaken and wooed again and banished. The man's will is bent, and bent, and bent, till he comes right square down upon his knees: "Therefore I do, by the grace of God,

promise never to offend her more, and did this night begin to pray to God upon my knees alone in my chamber, which God knows I cannot yet do heartily; but I hope God will give me the grace more and more every day to fear Him and to be true to my poor wife."

Even after this the symptoms recur, but more mild, and in that pathetic blank stop which ends the diary because of failing sight, the phrase "my amours to Deb are past," seems to leave the wife victorious, permanently, we hope.

So, after we have known her for nine years in the closest intimacy, she steps out from us into great night. A few months later, still a young woman, she died; but she dies for us with the last line of her husband's imperishable record. In that record it may be said, in a certain sense, that she shows at the greatest possible disadvantage, as we may in part realize, if we consider what a similar record would have been kept by herself. Yet even seen as her husband reports her, we feel that she had, with much of a woman's weakness, much also of a woman's charm.

GAMALIEL BRADFORD.

MUSIC AND DRAMA

SIGNIFICANT HAPPENINGS OF THE MONTH

A Masterly Study of a Type (A Related Appreciation).—A New Comic Opera after Molière: Signor Wolf-Ferrari's "L'Amore Medico"

BY LAWRENCE GILMAN

It is to be supposed, and indeed hoped, that we are gradually in this country developing a theater of national types: types that are humanly and naturally, not conventionally and artificially, American—types that are not designed after the familiar patterns of the theatrical outfitters. It is not often, to be sure, that one discovers in our contemporary theater a dramatic portrait that is unmistakably and vividly of our own time and place; but occasionally that most delightful and meritorious encounter takes place—and it takes place, we believe, more frequently than it did.

It will always be among our most poignant regrets that chance and circumstance prevented our seeing, during more months than we like to think of, one of the most masterly studies in characterization that our stage has shown in many a month. We mean the comedy that has been made out of Mr. Montague Glass's "Potash and Perlmutter" stories, and that has been playing to ecstatic audiences for many weeks at George M. Cohan's Theater.

The extraordinary effect of reality and pungent truth which the piece conveys is due partly, of course, to the triumphs of observation, insight, sympathy, humor, and vivid delineation which Mr. Glass achieved in his stories; but even more is it due to the superb characterizations of the two partners, Abe Potash and Mawruss Perlmutter, by Mr. Barney Bernard and Mr. Alexander Carr. Granted that the play itself, as a piece of dramatic construction, as an action, does not stand upon a very high level of artistic excellence, with its numerous strokes of sentimental melodrama and obvious farce. But it is made into something very real and

exceptional and delightful by the complete fidelity and surpassing veracity of the two chief impersonations. The Abe and Mawruss of Mr. Bernard and Mr. Carr are genuine creations, two of the most brilliant and engrossing pieces of dramatic characterization that we have ever seen. They have stepped straight from the New York of our day. They are unmistakable—their reality, their pungent and racy naturalness, are enormous. Let no supercilious observer turn up his nose at the broad humors and the frankly sentimental appeals of this remarkable production. The unslumbering keenness, the shrewd sagacity, the loyalty, the deep and rather shamefaced tenderness, the temperamental force, of these wonderful people are denoted with inimitable art. We should be at a loss to point to a current impersonation more authoritative yet restrained than Mr. Carr's, more richly comic than Mr. Bernard's.

Mr. Swinburne once observed, with that sulphurous vehemence which makes his excursions in æsthetic appraisalment so incomparably diverting, that there is a certain kind of literary tribunal "whose judgments are dictated by obsequious superstition and unanimous incompetence. When certain critics inform a listening world that they do not admire Marlowe and Webster—they admire Shakespeare and Milton—we know at once that it is not the genius of Shakespeare, but the reputation of Shakespeare, that they admire. It is not the man that they bow down to; it is the bust that they crouch down before." Surely we all—all those of us whose task (gratuitous enough, no doubt!) it is to form opinions concerning artistic phenomena—may pray to be delivered from that category; though the recognition of an excellence that is untrumpeted is so exhilarating a pastime that one wonders at the common hesitancy in indulging it. Is it that we are afraid to extol a beverage unless the name of a famous producer is blown in the bottle? Or are we too constantly haunted by that ever-present danger that the discovered swan may, after all, be only a goose? Potash and Perlmutter, and Mr. Bernard and Mr. Carr, have not, of course, been denied fame; but is it based upon just the sort of appreciation that is requisite?

It is said that ladies have died for love (there is no need to quote here Shakespeare's contemptuous remark concerning the erotic mortality of the *other* sex); but if they have,

it must have been far back in some romantically fabulous past; for are they not in our day too busy, too profoundly concerned with more important matters, to "pay their final tribute to nature"—as Lamb called it—in any such gorgeously poetical fashion? However, we have it on the authority of Pascal that "*le cœur a ses raisons que la raison ne connaît pas*"—so perhaps it is not so impossible, after all. But at least it is certain that Lucinda was dying of love—or, if it was not quite so bad as that, her adoring father, the plutocratic Arnolfo, feared that such was the case. Lucinda lived with her father in a splendid villa near Paris, in the days of Louis XIV.; and because Arnolfo saw that she was pining and pale and depressed, he showered upon her toys and trinkets and finery, even dolls; for he was not yet aware that she had ceased to be a child, and that her thoughts were no longer of dolls and music-boxes, but the very old and very trite thoughts that have perturbed adoring parents since the first love-song floated across primeval hills. In short, Lucinda loved young Clitandro, a cavalier. But they had not yet exchanged any of what Mr. Henley called "*those sovran privacies of speech*," for the simple reason that Clitandro, likewise enamoured of her, did not know that his love was requited. He had sung her a serenade outside the garden wall, but Lucinda's heart had turned to water at the sound of the beloved one's voice, and she had been unable to respond. So we might have had to take as a motto for this tale the haunting plaint of the greatest of sonneteers:

O how shall summer's honey breath hold out
Against the wrackful siege of battering days?

But summer lives on in the hearts of Lucinda and Clitandro, and indeed waxes amorously ecstatic; for naturally Lucinda finds a way to know her lover better—or, rather, Lucinda's maid does. For in Enrico Golisciani's libretto to Signor Wolf-Ferrari's opera, "*L'Amore Medico*," in which this amiable action unfolds, there are the familiar characters of operatic comedy: the shrewd and scheming maid, the thick-witted, elderly dupe (in this case Lucinda's parent), the disguised lover. So it comes to pass that Lisetta, the wily and dauntless maid, invents for Arnolfo's ears an alarming tale of Lucinda's illness; a quartet of learned doctors are hastily summoned (and here, after the fashion of

L'Amour Médecin, upon which Golisciani has based his libretto, we are treated to some of Molière's favorite horse-play with the profession of medicine); and, after their incompetence has been demonstrated, Clitandro, the lover, masquerading as a younger and more resourceful healer, gets "the case," to his own and his beloved's complete satisfaction: for he tells the distracted Arnolfo that his daughter's trouble is, after all, a simple one, easily cured:

Semplicissimo!
 Il male sta nell' anima.
 Una maligna ubbia!
 Un chiodo! Un' ossessione:
 Volersi maritare!
 Poveretta! Che voglia malinconia!
 Si può esser più grulli di così?

In other words, Lucinda's trouble is merely that she thinks she wants to be married; and Clitandro, to oblige, will undertake to cure this distressing malady by marrying the lady himself—it will be, he assures the anxious Arnolfo, merely a bogus wedding, and so Arnolfo consents. Of course we are not at all surprised when, in the midst of the wedding festivities, the lovers quietly disappear, leaving the unsuspecting Arnolfo dancing to the music of their marriage feast.

This diverting little fable—consummately performed last month at the Metropolitan Opera House—is an excellent one for the purposes of operatic comedy; and, up to a certain point, Signor Wolf-Ferrari is just the man to write music for it. He had already, in his "*Le Donne Curiose*" and "*Il Segreto di Susanna*," displayed an exceptional gift of humor. We can think, indeed, of no living musician—among those who write for the theater, at least—who has so delicate a sense of comedy, and so easy a mastery of its musical utterance. In his two earlier comedies he worked with material that was extremely slight—that was, in fact, trivial—and which left one uncomfortably resentful at the thought of its alliance with music so artistic and so skilful as he had provided for it; for we have a stubborn and doubtless perverse conviction that music should be reserved for finer issues than those involved in mere farce. But in this pretty comedy after Molière there is much that is fit subject-matter for musical expression. There is, chiefly, the passion of Lucinda and Clitandro, which forms a rich lyric background for the contrasting humors of the piece. Besides this, we have

the ludicrous perturbations of poor Arnolfo, and the squabbles of the learned medicos (not so brilliant a work of comic genius, this cleverly schemed quartet, as the wonderful quintet of contentious Hebrews in Strauss's "Salome"). These various elements, passionate and gay, sentimental and satirical, have been handled with extraordinary skill, extraordinary art, by Signor Wolf-Ferrari. The score is full of delights for the connoisseur, the appreciator of fine and resourceful craftsmanship. And for the music-lover who has no interest in the intellectual side of a score there is much that will be happily remembered—as the charming scene in which Arnolfo seeks to beguile his love-sick daughter with gifts; as the truly delightful passage in the second act wherein are blended the love-making of Lucinda and Clitandro and the dialogue of Arnolfo and Lisetta over their game of chess, as the captivating wedding-music of the finale.

There is only one important trouble with Signor Wolf-Ferrari, and that is a fundamental one, difficult to cure: he is not over-scrupulous in his attitude toward his inspirations (we shall call them that for convenience). That is to say, he is too easily satisfied. For every composer who is not a genius of the first rank, the process of creating music must be largely one of rejection, if the issue is to be a score of distinction and consequence. The act of composition is almost the easiest thing in the world, for a musician of aptitude and training, if you are not too particular about the quality of the ideas you accept. The dividing-line between a musical idea that is salient, eloquent, unforgettable, and one that is trite and flat, is as narrow as a hair and as wide as the firmament. The pitch of a single note in the melody, the position of a single tone in the harmony, may make all the difference between a lifeless banality and an inspiration that will ravish the ear of the world forever. Now in the music of Signor Wolf-Ferrari there are, in spite of its refinement, its spirit, its effectiveness, and its great skill, far too many banalities—ideas without distinction, ideas that have been too casually accepted, ideas that have neither saliency nor beauty. "To every man," wrote the most poetic of philosophers, "there come noble thoughts that pass across his heart like great white birds." It is not easy to wait, patiently and in humbleness, for this inevitable transit; but for the few who do, the reward is immeasurable.

LAWRENCE GILMAN.

THE BOOK OF THE MONTH¹

BY F. M. COLBY

As a political commentator Wu Ting-Fang seems too much under the constraint of diplomatic expediency to say anything that might set the mind going, and his remarks on American government and public men are elementary and non-committal. In this field, to use a phrase of Mr. Howells, he "does his boldest thinking along the safest lines." He believes, for example, that four years is too short a term for the President, that the divergence of State laws should be remedied, that people often vote as their bosses dictate, that railway stock is too often watered, that our customs regulations are obnoxious, and so forth, and even for these mild disparagements he often hastens to atone:

If I should be asked my opinion, notwithstanding all that I have above said concerning the United States, I should have to acknowledge that I believe that America is one of the few nations which have fairly well approximated the high ideal of a well-governed country.

On the other hand, when he writes in his own person as an observer of our morals and manners he is candid, critical, sometimes provocative, and always interesting. Despite his long stay in this country, and his many American friends, he cannot disguise the fact that at bottom he remains altogether alien. To this alone the book owes its value and not to its more or less mechanical flourish of international benignity.

In writing the following pages . . . I have not scrupled to frankly and freely express my views, but I hope not in any carping spirit; and I trust my American readers will forgive me if they find some opinions they cannot indorse. I assure them they were not formed hastily or unkindly. Indeed, I should not be a sincere friend were I to picture their country as

¹ *America, Through the Spectacles of an Oriental Diplomat.* By Wu Ting-Fang. Frederick A. Stokes Company, New York, 1914.

a perfect paradise, or were I to gloss over what seems to me to be their defects.

This comes of taking too seriously the journalistic tradition that we of to-day are in the same tender condition as we were at the time of Dickens's first visit. Newspapers are some seventy years behind the times in this matter, and reviewers quite generally assume even now that we read each new traveler's note-book merely to find out whether he approves of us. Love me, love me not, we are supposed to be saying as we turn the leaves, like girls pulling petals from a daisy. I have never met a man who read the notes of a transatlantic impressionistic observer from any other motive than curiosity. I have seldom read a review that did not assume that we read these things solely for the fortification of our patriotism and the corroboration of our self-esteem. "Wu Ting-Fang Thinks Well of America" will probably be the head-line of many a newspaper notice of this book. Journalists are the antiquarians of patriotism.

As a matter of fact, when our former Ambassador writes flatteringly about us he is not only perfunctory and indifferent, but sometimes flatly incredible.

One of the things which arouses my admiration is the due observance by the people of the existing laws. . . . Every one obeys them, from the President to the peddler, without any exception.

When politeness is carried so far as that, it makes one very uncomfortable.

Concerning an educational fad for self-government in the public schools of Philadelphia, he says:

I was assured by the school authorities that this system of self-government worked admirably; it not only relieved the teachers of the burden of constantly looking after the several hundred pupils, but each of them felt a moral responsibility to behave well, for the sake of preserving the peace and good name of the school. Thus early imbued with the idea of self-government and intrusted with the responsibilities of its administrations, these children when grown up take a deep interest in Federal and municipal affairs, and, when elected for office, invariably perform their duties efficiently and with credit to themselves.

And in the following passage one might think him bitterly ironical:

Any one with ordinary intelligence and with open eyes, who should visit any city, town, or village in America, could not but be impressed with the orderly and unostentatious way in which it is governed by the local authorities.

But neither his heart nor his head is in these observations. They are the mere exaggerations of ambassadorial civility, meaning little or nothing.

His own point of view appears in the discussion of such matters as the Western notions of "getting on in the world," expansion, and the duty of the "superior race." The fundamental difference between the Orient and the Occident, he says, is that the Western State forces its citizens to fight, whether or not they believe in the justice of the cause.

Chinese rebellions are said to "live on loot," *i.e.*, on the forcible confiscation of private property, but is that worse than winning battles on the forcible deprivation of personal liberty? This is nationalism gone mad! . . . With us government is based on the consent of the governed in a way that the Westerner can hardly understand, for his passion to expand is chronic.

In China the principles on which the social system rests are "brotherhood and the dignity of labor."

What, I ask, is the advantage of adding to national territory? Let us examine the question calmly. If a town or a province is seized, the conqueror has to keep a large army to maintain peace and order, and unless the people are well disposed to the new authority there will be constant trouble and friction. All this, I may say in passing, is opposed to our Confucian code which bases everything on reason and abhors violence. We would rather argue with a mob and find out, if possible, its point of view than fire on it. We have yet to be convinced that good results flow from the use of the sword and cannon. Western nations know no other compulsion.

Territories acquired for the extension of trade are, he declares, an illusive gain. Great Britain has made of Hong-Kong, for example, a prosperous and self-supporting colony, but out of its half-million inhabitants only a few thousand are British; nearly all are Chinese; and the British enjoy no benefits that do not belong to every one else. For years the island has been a drain on the British revenues, and financially the British people have profited nothing. There is, of course, "prestige"—"an empty, bumptious boast dearly paid for by the British taxpayer." Trade may be had without seizing territory. Nor is there any force in the surplus-population argument, for there is no bar to the immigration of white people at least. And as to the necessity of naval bases, that presupposes war and invites the danger that it pretends to guard against.

He is greatly puzzled by the Westerner's belief in the superiority of his civilization. Civilization, he says, includes humane conduct, fair dealing, and just treatment, and is first of all a "moral thing." The Chinese ideals of the civilized man are expressed in such sayings as, "He guards his body as if holding jade"; "he does not gratify his appetite, nor in his dwelling-place does he seek ease"; "without weapons he will not attack a tiger, nor will he dare to cross a river without a boat"; he will "send charcoal in a snowstorm, but he will not add flowers to embroidery." They inculcate reasonableness, self-control, moderation, and kindness. For thousands of years China has maintained society without the class hatred and class wars that have marked European history. Religion, which has little influence on Western civilization, is the corner-stone of Chinese society, and morality holds the place which is assigned by the more practical West to economic propositions. In the West they measure life by accumulation; the Chinese measure it by morality. Family ties are stronger in the East; hence the social sense is keener and individual suffering is avoided. People in China have not enslaved themselves to wealth.

We think as we contemplate the West that white people do not understand comfort, because they have no leisure to enjoy contentment. . . . We like luxury, but we like other things better. We love life more than chasing imitations of life.

Why this assumption that Americans are superior to the Chinese in intellect, taste, education, and habits? "Sir," said Lao-Tsze, "strive to keep the world in its simplicity—why so much fuss? The wind blows as it listeth, so let virtue establish itself. The swan is white without a daily bath, and the raven is black without dyeing itself." Progress does not necessarily affect the essentials of civilization, and material progress may involve the loss of spiritual insight. For all their wealth, and their discoveries, inventions, modern improvements, industrial energy, the people of the United States are not so happy as the Chinese. Their poverty is by contrast harsher. There are more friendless and forlorn folk among them. In China no man is without friends save by his own fault. Wu Ting-Fang's own belief is that civilization will follow the spiral movement, which is the law of nature, and since it proceeded

from the East to the West, will return to the East, its original source. He also believes in reincarnation, and is under the impression that in a former existence he was born and brought up in the United States. He solemnly warns those white nations who advocate the policy of exclusion that in their next life they may be born in Asia, and will then themselves suffer the injury they are now inflicting on the yellow races.

In short, the United States is a wonderful country where millionaires abound, and young men without a penny may become railway directors, and young women may practise law, and seventeen and a half million pupils are enrolled in the public schools, and rich men endow libraries and marry their daughters to dukes, and women wear hats three feet in diameter, and you cannot look out of the window without seeing an advertisement, and there is the richest possible variety of truly Christian religions, and the people are so honest that they pay their fare in omnibuses with no conductor to collect it (a fact which he has noticed nowhere but in America), and they are so eager to get on in the world that they do not stop to masticate their food, and when they retire from business they soon die. So he runs on, bewildered and trying to applaud. There is much in America to admire, he will say—after some mad assemblage of discordant phenomena—luxuries and lynchings, peace movements and divorce. But he cannot disguise his suspicion that we have not, as he has seen us, attained a very reasonable balance in our lives. At the back of his unconverted Oriental intelligence there lurks the conviction that we have missed the main points of existence.

He is in reality imperturbable and remote. To him our Western civilization is a rather dubious agitation on the surface of things. He has little sympathy with the strenuities of reform. In China, he says, people do not expend the same energy as in Europe and America in trying to make other people good. They try merely to be good themselves, believing that their example, "like a pure fragrance, will influence others to be likewise."

We think practice is as good as precept, and if I may say so without being supposed to be critical of a race different from my own, the thought has sometimes suggested itself to me that Americans are so intent on doing good to others and on making others good, that they accomplish less than they would if their actions and intentions were less direct and obvious.

I cannot here explain all I mean, but if my readers will study what Li-Yu and Chuang-Tsz have to say about "Spontaneity" and "Not Interfering," I think they will understand my thought.

From what he says about the Western stage, it would seem that Wu Ting-Fang in his pre-existent state as a native of this country must have been a "tired business man, and will have to undergo two or three more reincarnations before he can judge a Western play." The object of the theater is, he says, merely to provide amusement and moral instruction, and so strictly does he construe this that he condemns any serious play that ends tragically. Cock-fights and bull-fights are, he thinks, less brutalizing than the portrayal of mental sufferings. Nobody benefits from watching a tragedy, and indeed a boy once killed his father with a knife after having seen a tragedy on the stage. Apparently there is no room in his philosophy for any "unpleasant" play, from *Æschylus* to *Ibsen*. Every right-minded person, requires, he says, that the villain be punished and virtue be rewarded, and he exclaims sorrowfully at the very small percentage of Western dramas from which moral lessons can be drawn. As to the profession of acting, he believes it corrupts the mind and leads to deceitful conduct in private life.

No one to whom sincerity is as the gums are to the teeth would wish to acquire the art of acting as though he were some one else.

For this reason actors have been looked down upon in China from ancient times; and "no respectable Chinese family would think of allowing their son to go on the stage."

There are lively comments on public dinners, business methods, dress, American brusqueness of manners and slowness of speech, wit, oratory, women, bad ventilation, over-eating, and many other matters already very copiously "observed" in the literature of international impressionism, and he also says many things that we like to believe. But I have sought rather the points of departure. We no longer consult this branch of light literature for the reinforcement of our cherished convictions. We have long since abandoned the foolish demand that a visitor shall tell the truth about us. We merely desire to learn the truth about the visitor. For it is now pretty generally understood that our literary travelers are not describing an actual country, but a land that is peopled mainly by their own personal equations.

F. M. COLBY.

NEW BOOKS REVIEWED

DEMOCRACY IN NEW ZEALAND. By ANDRÉ SIEGFRIED. Translated from the French by E. V. BURNS. London: G. Bell & Sons, Limited, 1914.

As a study in politics, M. Siegfried's book, now for the first time translated into English, is of general interest; for New Zealand not only occupies a peculiar position in the British Empire, but it has been the scene of extraordinary legislative experiments. The eyes of the whole world have been directed toward this isolated colony—a fact of which the natives have been duly conscious, and which has played its part in shaping their course. Those desirous of examining the actual workings of novel laws and institutions, from old-age pensions to women's suffrage, naturally turn to New Zealand. It is made clear, however, throughout M. Siegfried's luminous discussion, that the superficial observer is extremely liable to be misled both as to the spirit of New Zealand legislation and as to the conclusions to be drawn from its results. New-Zealanders, it is repeatedly pointed out, are in no sense theoretical socialists: they are opportunists, with a positive aversion to policies based on general principles or looking to the remote future. Moreover, special conditions—among which may be reckoned exceptional prosperity, a favored position in the empire, and an unusual gift on the part of the people themselves for moderation and for compromise, often of an inconsistent sort—have rendered feasible in New Zealand a policy which could hardly be made to work as a whole anywhere else on the globe. The word "democracy" in M. Siegfried's title is therefore chosen advisedly: socialism as such has very little to do with the case.

It is characteristic of the colony, however, that the ends of radical democracy have been achieved without changing a form of government which is not in itself especially democratic. The governor, who is a representative of the Crown, exercises little influence on local affairs, serving rather as a link between the colony and the mother-country than as an active executive. But the former function he does satisfactorily fulfil. The people, indeed, attach much importance to the office and are sufficiently imbued with a snobbish spirit to be dissatisfied if other than a "highly decorative nobleman" is sent to them. The upper legislative chamber, we are told, not being elective, has fallen into a state of desuetude. In a country without an aristocracy, respect for the old forms is still oddly manifested, but the government in effect is a government of one chamber.

The period with which M. Siegfried chiefly deals is that of the supremacy of the Liberal-Labor party under the leadership of R. J. Seddon. After the failure of the great strike in 1890, the laboring-men sought to gain

their ends through the ballot, and in this they were aided by the small landholders, whose interests were to a certain extent identical with theirs. There was little to check the operations of the Liberal-Labor party which grew out of this coalition. In New Zealand, in fact, the so-called Conservative party hardly deserved the name, being scarcely more averse to State intervention than the Radicals themselves. What is the fundamental explanation of this almost universal state of mind? M. Siegfried replies that, in the first place, "the structure of society is simple, and there is no place for the inextricable tangle of interests, traditions, and prejudices which so complicates the solution of European political problems. The colonials, moreover, are generally men of mingled strength and simplicity. Their strength makes them unconscious of obstacles, and they attack the most delicate questions much as one opens a path through a virgin forest with an ax." Full play is allowed to these forthright tendencies by the comparative freedom of the colonists from outside complications. "The Australasians are like spoiled children. England has solved for them all the most difficult questions of foreign, military, and financial policy. They still have only to concern themselves with their internal affairs, unless they choose to do otherwise, and before anything fatal can happen to them, there are still many mistakes which they can safely make."

The legislation indulged in by the Seddon Government during its long period of power makes an interesting exhibit. It includes a great variety of special laws for the protection of employees, a law providing for the compulsory conciliation and arbitration of disputes between labor and capital, old-age pensions, land legislation intended to bring about the division of large estates, an act authorizing the State to advance money directly to settlers, restriction of immigration, and the granting of the suffrage to women. When we inquire how all these measures have worked, we receive the reply that under the circumstances prevailing in New Zealand they have worked pretty well. We are not permitted, however, to forget that the circumstances are peculiar. Repeatedly, emphasis is laid upon the political and financial support which New Zealand receives from England. Further, it is pointed out that social legislation is an expensive luxury, entailing a protective tariff which bears somewhat heavily upon the consumer, while the protected manufacturer has to pay high for labor. Were the tariff barrier to be removed, "the Draconian laws of international competition would but too soon remind manufacturers and politicians that at whatever sacrifice goods must be produced cheaply." Meanwhile, New-Zealanders hold that a "high tariff is not too high a price for a nation to pay to insure the comfort and prosperity of its workers." Lastly, we are made to see that in New Zealand—a country in which "even the revolutionary spirit is permeated with compromise"—radical tendencies such as elsewhere would give good ground for alarm are kept surprisingly within bounds. A serious doubt, however, is suggested. It is not in the nature of things political that steps taken in a radical direction should be easily retraced, yet under certain conditions the repeal of some of the legislation now in force in New Zealand might become an economic necessity. Already in the ten years since *Democracy in New Zealand* was written, a certain reaction has been felt, though bad times have not arrived.

Seldom in the treatment of any subject are scientific accuracy and logic so nicely blended with literary skill as in this book of M. Siegfried's. The

author touches with appreciation upon nearly every phase of New Zealand life, expressing himself in clear and lively phrases not too carefully stripped of the harmless exaggeration of ordinary speech, and in arriving at conclusions regarding important matters he displays a statesman-like caution. His book is neither a collection of irresponsible impressions nor a dry summary of statistics, but a true interpretation.

POLITICAL AND LITERARY ESSAYS. By THE EARL OF CROMER. Macmillan & Company, Limited. London: 1913.

The brief periodical essays collected in this volume afford little scope for that full and detailed exposition of political doctrine or administrative method for which we commonly read the writings of a statesman, and in dealing with literary matters the Earl of Cromer seems to shun rather than to seek a reputation for marked originality. But his succinct pronouncements upon political topics have weight as the concentrated results of much thought and experience, and however humbly he may describe himself as dabbling in literature at the close of an active political career, the qualities of mellow appreciation and sound judgment which pervade his literary comments are better than the more showy kinds of excellence. It is in those passages of his book which deal with the government of subject races that most philosophy is to be found. Here a thought often emphasized is the essential difference of mentality and the corresponding differences of interest that obtain between the Oriental and his Occidental brother. The Englishman, despite his "commendable asymmetry of mind" as compared with the Continental races, is liable to make serious mistakes in dealing with the native of Asia, who simply isn't logical, in the European sense, at all. Great caution, therefore, is evidently advisable in the introduction of English political institutions among Asiatics. "A freely elected Egyptian Parliament, supposing such a thing to be possible, would not improbably legislate for the protection of the slave-owner, if not the slave-dealer, and no assurance can be felt that the electors of Rajputana, if they had their own way, would not re-establish suttee." Loyalty based upon a similarity of ideals is, accordingly, not to be looked for, but a sort of makeshift loyalty springing from a recognition of the blessings conferred by peace and prosperity is always attainable. That reforms should be instituted slowly while the egotism of commerce is at the same time kept within due bounds seems obviously the right policy. Such, at least, is the view of a convinced but moderate imperialist, such as the Earl of Cromer professes himself to be. Written for the most part for the purpose of guiding public opinion with respect to English political questions, many of these essays have in them rather little that is of direct concern to Americans, though the author's views of subject races may be thought to have some bearing on our policy toward the Philippines, and the fact that he is inclined to distrust the reality of republicanism in China is not without its significance for us. His literary essays are altogether enjoyable. In the one, entitled "Translation and Paraphrase," he gives a collection of citations, illustrating both methods, such as will delight the connoisseur in these matters. He speaks soundly and reassuringly of the future of the classics, and his discussion of popular, naval, and military songs is full of literary and human interest.

REMINISCENCES OF A SOLDIER'S WIFE. By MRS. JOHN A. LOGAN. New York: Charles Scribner's Sons, 1913.

Mrs. Logan's spirited narrative, with its pleasant and justifiable exaltation of times past, is remarkable in that it not only tells of heroic service at the front, but in greater degree than most military memoirs fills in the social and political background. Nothing could be more appealing than the description, contained in the opening chapters, of ante-bellum life in southern Illinois. The features of the time are familiar to us in a general way; but the picture has its characteristic touches, and it is drawn with a vividness of detail and an aliveness of feeling that are rare. Mrs. Logan has relived both this part of her life and her Civil War experiences with singular actuality. Here is none of that flatness of perspective so common in memories of the distant past, nor do we experience any effect of the otiose pleasure reminiscence often takes in fingering over old facts from which the keen edge of feeling has worn away. The events of the story have remained of passionate interest to the narrator, who seems prepared to do again what she has done in the past. A woman of the old school, unpretentiously telling her story, speaks to us of to-day in stronger, more thrilling tones than are often heard.

In an unusual degree Mrs. Logan shared in the plans and thoughts of her husband throughout his active and stressful career—searching out legal precedents for him when he was prosecuting attorney, keeping in touch with politics and the sentiments of the people, playing the onerous part of wife to a man of influence in a small pioneer community, and later assuming the more complicated duties of a Representative's wife in Washington, all with unfailing zest and American adaptability. Southern Illinois was a place of dramatic interest in the days immediately preceding the outbreak of hostilities, for nowhere was the popular temper more doubtful than here on the borderland of the Confederacy. Mrs. Logan's eldest brother, yielding to an impulse to follow the fate of his college chums who lived South, joined the Confederate army. General Logan himself was a friend and follower of Douglas, and thus Mrs. Logan first saw Lincoln through the eyes of an opponent—a fact which intensifies the interest of her first impressions of him. "His awkwardness," she writes, "has not been exaggerated, but it gave no effect of self-consciousness. There was something about his ungainliness and about his homely face, even in a State of tall and ungainly men, which would have made any one who simply passed him in the street, or saw him sitting on a platform, remember him. 'There ain't no one else, and there never was any one jest like Abe Lincoln,' as an old farmer said. . . . Douglas won your personal support by the magnetism of his personality. Lincoln did not seem to have any magnetism, though of course he had the rarest and most precious kind. He seemed able to brush away all irrelevant matters of discussion and to be earnestly and simply logical. In fact, he had the faculty of carrying conviction. At a time when the practice of oratory as an art was the rule he was without affectation. The ungainly form, the bony face, the strong, sensitive mouth, the quiet, sad, and kindly eyes, were taking you out of yourself into unselfish counsel." Lincoln's logic weakened General Logan's faith in the doctrines of the Democratic party, he began to doubt the force of Douglas's arguments, and the firing on Fort Sumter made him realize that thenceforth a man must be for his country or

against it. Resigning his seat in Congress, he returned to Illinois to exert his influence for the Union. How the people waited for him, how he came and addressed them, how he carried them with him and raised the first company of the famous Thirty-first on the spot—all this makes a thrilling story. A day had been fixed on which General Logan was to speak at Marion; but failure to make a railroad connection delayed him. Mrs. Logan, who drove to Marion from Carbondale to explain her husband's non-arrival, was stopped before she reached the center of the square by men who gathered round the buggy and eagerly cried out: "Where is Logan?" "What is the matter?" "What does this mean?" "We have got to know all about this business." The tone was in some cases threatening; mob violence was feared; but when Logan faced the people he swayed them as a born leader.

From the beginning of the war, Cairo, Illinois, became, of course, a point of strategic importance. Mrs. Logan was thus in the rear of and closely in touch with one of the greatest campaigns. She knew the common soldiers, saw the wounded brought home, went to nurse her wounded husband at the front, sheltered an escaped slave, experienced the hostility of Southern sympathizers, felt and did and knew nearly all that was possible for a woman in those times. Belmont, Fort Henry, Fort Donelson, Vicksburg, Resaca and Dallas, Kenesaw Mountain, and Atlanta, where General Logan, after McPherson's death, won the day against heavy odds—these are some of the battles that were poignant events in her life. The appointment of General O. O. Howard instead of General Logan to command the Army of Tennessee is discussed with restraint. Testimony is adduced to show that General Sherman was strongly influenced in this matter by General Thomas, who professed himself unable to get on with Logan, while in contrast is told the story of how Logan, ordered by Grant to supersede Thomas, sent a staff officer to induce Thomas to make the attack which resulted in the rout of Hood's army. No unfriendly feeling remained between Sherman and Logan, but the impression is left that this was due quite as much to Logan's magnanimity as to Sherman's fairness.

The latter half of the *Reminiscences*, is more journal-like in form than the first, and the grip on affairs seems less strong. There is, however, much good anecdote, discussion of notables, and picturing of social life. Because of their historic and personal interest and the strong note of character in them these memoirs deserve to be read by many.

READINGS IN AMERICAN HISTORY. EDITED BY JAMES ALTON JAMES.
New York: Charles Scribner's Sons, 1914.

The value of collateral reading in the teaching of many different subjects, and especially in livening and broadening the bare narratives of school histories, is generally recognized, but will bear emphasis. It is not only by adding color to facts or by breaking up the habit of mere memorizing that readings in the original sources of history do good. Such readings give actuality both to the historic narrative and to the subject itself. They give the pupil a proper conception of the materials of which history is made and lead him instinctively to try to form his own conclusions. For interest in such a subject, moreover, it is almost essential that the student should have a store of subconscious ideas, not memorized

and not necessarily always at command, but supporting and surrounding the consciously known facts, which thus attain a firmer reality and a richer significance.

The selections in the volume under notice cover a period of time extending from the voyages of the Norsemen to the inauguration of President Wilson. It goes without saying that these excerpts have no small informational value. What is best worth observing, perhaps, is that their human interest has been fully conserved. The editor has kept in mind that pupils of the high-school age, for whom the book is primarily intended, are but little interested in constitutional documents. He has drawn his extracts largely from the journals or letters of persons contemporary with the events described and from books of travel. In the instructive treatment of all manner of topics—political, industrial, social, educational, religious—there is room for much that is picturesque and amusing. What could be more diverting than this account, from Hakluyt, of an Englishman's first encounter with the mosquitoes of Vera Cruz? "This town is inclined to many kinds of diseases, by reason of the great heat, and a certain gnat or fly which they call a mosquito, which biteth both men and women in their sleep; and as soon as they are bitten, incontinently the flesh swelleth, as though they had been bitten by a venomous worm." Humor that arises naturally out of a serious matter does not come amiss. Amid much discussion of questions pertaining to the First Continental Congress, we find in a letter of John Adams's this caustic comment: "I believe if it was moved and seconded that we should come to a resolution that three and two make five, we should be entertained with logic and rhetoric, law, history, politics, and mathematics, and then—we should pass the resolution unanimously in the affirmative." Whoever has read this letter is in the less danger of supposing that the great acts of history were performed, as Colonel Higginson says, by mere "dignified machines." One is glad also that among the selections is included the letter home of that ingenuous Princeton Freshman, P. Fithian (1700), who told how "every student must rise in the morning at farthest by half an hour after five," to study an hour before breakfast by candle-light, and concluded with the words: "I am, through divine goodness, very well, and more reconciled to rising in the Morning so early than at first." On the whole, Professor James's volume succeeds in being adequately instructive and interesting.

THE WINE PRESS. By ALFRED NOYES. New York: Frederick A. Stokes Company, 1914.

The immediate effect of reading *The Wine Press* is overwhelming. No one could doubt that a poet gifted with Mr. Noyes's vigor of imagination and originality of speech, once inspired with a fervent hatred of war and all that war means, would be able to startle and horrify us as successfully as he has charmed us in the past. But the rushing energy of this poem, its absorbing intensity, are surprising—far greater than one would have anticipated. In his whole-souled and fiery attack, the poet makes all the resources of his varied art subserve his one purpose. Poetic realizations of beauty, tenderness, and high ideals are used to deepen the ultimate horror of the thing. Mr. Noyes even drives his point in with a kind of satirical doggerel, such as Kipling used in "The Vampire"—

Around a shining table sat -
 Five men in black tail-coats;
 And, what their sin was, none could say;
 For each was honest after his way
 (Tho' there are sheep, and armament firms,
 With all that this "connotes").

In the same poem are bits of lyric tenderness, such as the peasant woman's lullaby:

Sleep, little blue pigeon,
 Sleep on my breast,
 Sleep while the stars shine
 Sleep, while the big pine
 Rocks with the white moon
 Over your nest.

Human feeling and the beauty of nature are warmly interfused in the description of nightfall as seen by the young Balkan peasant on the eve of his departure for the war:

Then, like a cottage casement, far away,
 A star thrilled in a pale green space of sky;
 And then, like stars, with tiny ray on ray,
 He saw the homely village lights reply:
 And earth and sky were mingled in one night,
 And all that vast dissolving pageantry
 Drew to those quintessential points of light,
 Still as the windless candles in a shrine,
 Significant in the depth as in the height.

By way of contrast, the sheer ghastliness, the awful materialism of war, which reminds us that no law of nature protects our bodies from the vilest outrages, finds expression in lines like these:

Slaughter! Slaughter! Slaughter!
 The cold machines whirled on.
 And strange things crawled among the wheat
 With entrails dragging round their feet,
 And over the foul red shambles
 A fearful sunlight shone.

It is surprising that all this should flow from one pen. Mr. Noyes has forged out of his art a weapon to serve his cause. His poem does what no prose could do so well: it breaks up that persistent illusion of the commonplace which has almost transformed the thought of war into a familiar household thing.

One would not wish to apply as a test of the poem's worth the canon of that good taste which "censors our news." Mr. Noyes's fervor is not too great for his theme; his images are doubtless justified by facts; and surely literature should carry a living message. That *The Wine Press* is a passionate plea for peace in no way debars it from being great literature; rather, the contrary is the case. But what is permissible and effective in a passionate plea may not partake of the quality of great literature. In

such a tragedy as this we feel that the sacred things of love and home must be made supremely beautiful, their utter and vile desecration supremely terrible, and that if supreme beauty or supreme terror be lacking, these themes had better be left alone. To some readers, perhaps, *The Wine Press* will seem effective, but not great—to fall short of greatness because in its effectiveness it comes so near to being intolerable. But no criticism could be right which doomed this striking poem to insignificance. Work of genius or not, the thing is big and thought-compelling.

ENGLISH TRAVELERS OF THE RENAISSANCE. By CLARE HOWARD. New York: John Lane Company, 1914.

Miss Howard has made good use of her rather diffuse and scattering sources, and has produced a book of deftly woven quaintness, which is also not a little informing as to the manners and spirit of the age with which it deals. Certainly the books written for the guidance and instruction of travelers during the sixteenth and seventeenth centuries make better reading than do their modern representatives the guide-books. Their authors seem to have taken into consideration everything from the salvation of a man's soul to the most approved method of wrangling with inn-keepers. The earliest of the motives that gave to travel the dignity of a noble undertaking was religious. One of the first books printed in England, we are told, was *Informacon for Pylgrymes unto the Holy Lande*, by Wynkin de Worde. In this interesting treatise the pilgrim is advised to take with him two barrels of wine; "for yf ye wolde geve xx dukates for a barrel ye shall none have after that ye passe moche Venyse." A further list of necessary baggage, including a half-dozen live chickens and a bushel of "myle sede" with which to feed them, shows that not all pilgrims were by any means indifferent to good living, while it makes us feel that by comparison arctic explorers travel light. Later the religious motive was superseded by the desire for learning and converse with learned men, and this in turn gave way to that desire for foreign culture, as productive of worldly wisdom and personal force, which prevailed exceedingly in the time of Elizabeth. The Elizabethan traveler was of heroic temper, not to be despised in his determination to become a "complete person" and to serve the state; but times changed and standards were lowered. By 1616 it was said of France that "unto no other countrie, so much as unto this, doth swarme and flow yearly from all Christian nations, such a multitude, and concourse of young Gentlemen, Merchants, and other sorts of men." They came no longer for mental improvement, but rather to attend the "academies," where one learned to fence, to dance, and to "ride the great horse." Perhaps there is a lesson for the times in the melancholy case of Sir Henry Bowyer, who in his anxiety to keep up with the latest fashions practised dancing so violently that he died of the exertion. The Restoration naturally gave new vogue to the notion of polishing oneself by foreign travel. Sir Thomas Browne's constant advice to his son, "*Shun pudor rusticus*," gives the note of the time. But, Italy and Germany being now thrown open to travelers, the Grand Tour became possible, and travel took the form of modern sight-seeing rather than that of residence abroad for the sake of practice in foreign languages and arts. Travelers began to "do" the "principal points of interests," we gather. Let us not laud too

highly the diligence of the modern tourist; his prototype of the early eighteenth century excelled him. "According to Misson, a voyager ought to carry with him a cane divided into several measures, or a piece of pack-thread well twined and waxed, fifty fathom long and divided into feet by knots, so as to be able to measure the height of towers and the bigness of pillars and the dimensions of everything so far as he is able." Count Leopold Berchtold sadly encouraged the seeker after information for information's sake by advising him to ask, among others, the following questions:

"Which are the favorite herbs of the sheep of this country?"

"Are there many instances of people having been bit by mad animals?"

"Is the state of a bachelor aggravated and rendered less desirable? By what means?"

"What is the value of whales of different sizes?"

English Travelers of the Renaissance has nothing in common with attempts to make a little romantic or humorous capital out of a slender historic theme. It is breezy, accurate, not pedantic, but adequately respectful in tone toward the more serious aspects of the subjects of which it treats.

THE UNCONSCIOUS. By MORTON PRINCE, M.D., LL.D. New York: The Macmillan Company, 1914.

Modern psychologists seem almost painfully anxious to put their science upon the same basis as other sciences, first by making it experimental, and secondly by showing its practical applicability to the varied problems of life. Sometimes the lay reader cannot help feeling that the results obtained by experimental methods are neither so accurate nor so important as they are assumed to be; and although interesting principles have been deduced which bear upon the art of teaching, the choice of a vocation, and like affairs of practical concern, psychology in these matters has not yet succeeded in taking the commanding position which its professors claim for it. In the department of mental therapy, however, results of unquestionable value have been obtained, and it is, incidentally, to work done in this department that most of the new knowledge regarding the human mind and personality has been acquired. In *The Unconscious* Dr. Prince has aimed to reach conclusions such as are, or may prove to be, useful in medicine; but, in this volume, he stops just short of the discussion of mental diseases as such. The result of this definiteness of aim and of this restriction of scope is that his book furnishes probably the best introduction which has been written to the study of the most vital part of the newer psychology. For the subconscious, it has been said, is not merely a psychological problem; it is *the* problem of psychology. In the study of this subject, most of the significant facts, it is true, are drawn from the observation of abnormal patients, and hypnotism—a sort of painless and harmless mental vivisection—is the principal instrument of inquiry. But the author uses pathological data with discretion, avoiding whatever is speculative, sensational, or merely technical, and confines himself to those facts which best serve to illuminate the general subject.

Dr. Prince keeps clear of metaphysical complications, and maintains the doctrine of "psychophysical parallelism" with far less labor and confusion of thought than do most psychological writers. The unsolved—

perhaps unsolvable—question as to whether “brain events” determine thoughts, or whether thoughts cause modification of the brain substance, is excluded from consideration, and its unladen ghost does not haunt the reader in the form either of ambiguous statements or of too frequent disclaimers. In harmony with this unmetaphysical point of view, the author rejects Myers’s doctrine of the “subliminal” as a thing of unproved reality and as an unnecessary assumption. We can get along just as well, he shows, without postulating a vast sea of subconscious ideas, existing nowhere in particular, of which consciousness is alleged to form but a small part.

The primary task, then, to which Dr. Prince applies himself is the definition of the subconscious in terms of proved reality. He begins his investigation by an analysis of “memory,” which he shows to be a process consisting of three stages—namely, registration, conservation, and reproduction. When we have taken in the fact that conscious reproduction, or “recollection,” is but *one* part of the memory process, we are prepared to understand that there may be almost unlimited conservation of impressions of which a large proportion are never recalled. The inference is that all, or nearly all, of the experiences of life leave their traces upon the brain (or upon the mind), and these residua of experience, which are proved by a multitude of experiments to exist, *even when they are normally beyond recall*, form the materials of the subconscious. The difference between this view and that of Myers may seem, at first sight, not worth talking about; but Dr. Prince very rightly insists upon the ultimate importance of dealing with definable realities. The mental residua, he points out, are real in exactly the same sense as the molecules, atoms, and ions of physics.

Normally the subconscious plays, of course, a large part in ordinary thought, supplying as it does the substance of memory. But its function is not confined to this familiar process. On the contrary, it may be shown that the meaning, or connotation, of an idea, is largely contained in its subconscious setting, or in the “fringe” of consciousness. Nothing, indeed, in Dr. Prince’s book is more striking than his experimental analysis of this fringe or penumbra of thought. By ordinary introspection the fringe cannot be successfully studied, because of the rapidity of its changes, but through hypnotism it has been possible in several cases to obtain an account of the ideas present in the patients’ mental penumbra at a given time. In all these cases the ideas hidden in the fringe were found to have explained the color and “meaning” of the conscious thought. On the whole, it is made very clear that “it is the unconscious, rather than the conscious, which is the important factor in personality and intelligence. The unconscious furnishes the formative material out of which our judgments, our beliefs, our ideals, and our characters are shaped.”

But the subconscious is not a mere static storehouse; it is capable of active and more or less independent functions. Dr. Prince divides the subconscious into two parts which he calls, respectively, the *unconscious* and the *coconscious*. The unconscious consists both of conserved dormant “neurograms,” or neural dispositions, and of unconscious *processes*—the latter illustrated by the more or less familiar case of problems solved during sleep. The coconscious consists of the phenomena of split-off consciousness; it includes those thoughts which display consciousness when tapped”

by means of hypnosis, but which go on outside the awareness of the personal consciousness. Between these two divisions of the subconscious there is no sharp line of demarcation, but it is evident that the coconscious phenomena afford a powerful method of studying the unconscious: they are, so to speak, the unconscious become vocal.

In the course of such a study one of the significant truths brought out is the fact that a given complex of thought may be conscious or unconscious in almost any degree. Sometimes, when there exists in the subconsciousness a painful association of ideas, the patient is aware only of the physical symptoms. In other cases the object of his dread or dislike also emerges into awareness, but without the meaning. In still other cases there is present in the sufferer's consciousness the meaning as well as the object of his emotion and its physical symptoms, but the ideas which originally gave the meaning to this object are concealed from him. Of course, where such a complex is organized some impulse is necessary to give it active efficiency, and this impulse is supplied by the emotion "synthesized" with the subconscious group of ideas. It is gratifying to note, however, that the author refuses to be bound by the narrow rule of the Freudian school, which insists that the impelling emotion always arises from an unfulfilled wish, most usually of a sexual nature. Dr. Prince maintains that various sorts of emotions are equally effective in this respect—a view which the common sense of most readers will welcome.

The total effect of reading *The Unconscious* is to bring the facts of abnormal psychology measurably within the circle of ordinary understood phenomena, while in turn the processes of normal mental life are illuminated. We are made to realize, so to speak, the normality of the abnormal. The formation of pathological complexes in the subconsciousness is a process much like the formation in healthy minds of those sentiments without which our lives would be reduced to chaos. The dissociation of a personality is not essentially different from that of less violent alternation of moods from which few are wholly free. Again, while the author does not in this book develop his doctrine of panpsychism, he shows that intelligence (in a purely pragmatic sense) is found everywhere in life, showing itself at one end of the scale in the behavior of insects, and at the other in the conscious thoughts of man. The manifestations of the unconscious and the conscious (which are often highly intelligent) seem almost to bridge the gap between human consciousness and the supposedly automatic phenomena of nature. Apart from these wider implications, Dr. Prince's book supplies a sort of physiology of the mind, as comprehensible as the physiology of the body, and much more fascinating.

THE FOOTHILLS OF PARNASSUS. By JOHN KENDRICK BANGS. New York: The Macmillan Company, 1913.

There have been writers of humorous verse more adroitly witty and more phrasically incisive than Mr. Bangs, but there have been few who have managed to express nearly so much of that cheerful human spirit which smooths the path of every-day life. Mr. Bangs not only makes us smile, but, what is more important, he makes us want to smile. Even an indifferent joke in his verses takes on an air of pleasant grotesquerie that is most winning, and his jokes for the most part are not indifferent. His

book of light and unpretentious stanzas is like a friend who not too fastidiously makes the best of the merry things of life without having in the least the air of pessimistically seeking to look on the sunny side because the dark side is so obtrusive.

In his more serious poems the same spirit is manifest. "Let those who will," he writes—

Let those who will sound notes of dull despair
And fill with lamentation all the air—
For me, let it be mine alway to send
The cheery note of Love, unto this end:
That they who on some path of darkness grope
May find their way to Light through gleams of Hope.

In such verses, the underlying sincerity, the homely phrase, the plucky spirit, strike a sure response, and it is much to say that so simple an appeal to optimism does not in any way offend us. On the contrary we are always glad to see one of Mr. Bangs's lyrics or versified witticisms smiling up from the page. We may feel that they are not profound nor always of dazzling brilliancy, but they accomplish their mission of amusement or good cheer or zestfully genuine appreciation of nature, human or material, as simply and surely as the greater works of literature make their inspirations felt.

NATIONAL SUPREMACY: TREATY POWER *vs.* STATE POWER. By EDWARD S. CORWIN. New York: Henry Holt & Company, 1913.

Logically the question discussed in this book turns, of course, upon a point of verbal interpretation. Are the powers reserved to the States by the Tenth Amendment reserved to them solely, or may the United States, in accordance with Article VI, Paragraph 2 of the Constitution, exercise concurrent and overruling power? Professor Corwin contends that obviously the powers reserved to the States are reserved always conditionally upon their not having been delegated to the United States. If, then, the States in their exercise of the "police power" come in conflict with laws made in pursuance of the Constitution or treaties made under the authority of the United States, the former must give way. The book, however, is predominantly historical and not merely logical or philosophical in its method: it is one of those painstaking and impartial surveys which the modern school of history and politics produces. In such a survey, without the appearance of contending for a thesis, cautious conclusions are slowly constructed out of the facts themselves. The conclusion at which Professor Corwin ultimately arrives is that the logical interpretation to which he gives his adhesion is, on the whole, that which has prevailed throughout the history of the United States, and that, unless a radical change is to be made in our system of government, that interpretation had better be left alone. Constitutional questions are always debated from a conservative rather than a radical point of view: in respect to them, a break with the past is justly felt to be particularly undesirable. Here, then, set forth in clear detail, is the conservative view of what conservatism with respect to the Constitution means.

Among the phases of the subject taken into consideration are the interpretation of the treaty power under the Articles of Confederation, the

view of this power taken in the Convention of 1787 and in the State Ratifying Conventions; the decisions of the Supreme Court while still dominated by the point of view of the Framers of the Constitution, and, most important of all, the record of later judicial decisions. In discussing the latter, the author strongly maintains that the early precedents have never been overruled. Judicial utterances asserting the doctrine that the reserved rights of the States set a constitutional bar to the treaty power of the United States are confined, with the exception of one or two circuit court decisions interpreting Indian treaties, to *obiter dicta*, ordinarily of a very gratuitous sort. In this connection, it is interesting to note that in Judge Story's much-quoted declaration to the effect that the treaty power "is not to be so construed as to destroy the fundamental laws of the State," the word "state" is regarded by the author as plainly used in its generic and not its particular sense. Further, the State-rights view of the treaty power, it is held, "was retained during the period of its greatest prominence by immediate concern for a great sectional interest which no longer exists."

In conclusion, Professor Corwin argues that the theoretic supremacy of the treaty power is not in reality so fraught with danger as has been frequently maintained. In the first place, he points out that the constitution of the Senate fits it to be a guardian of State rights. Further, the power of Congress to abrogate treaties constitutes an effective check. But the strongest safeguard of all, in the author's view, is that principle of self-interest which deters any nation from surrendering by treaty with another that degree of control over its internal concerns which other nations habitually retain. To reinforce this view, the author instances that settled maxim of international law which provides that when treaty provisions are ambiguous nothing passes by implication to the diminution of the sovereignty of the granting power. These arguments, especially the last, seem to be admissions that the historical argument is not conclusive. But so far as this argument itself is concerned, Professor Corwin's treatise presents a mass of logically cemented facts not easily to be overthrown.

LOVE AND LIBERATION. By JOHN HALL WHEELOCK. Boston: Sherman, French & Company, 1913.

To the poet in a certain state of lyric rapture, it seems to be a matter of no great importance what he calls the essential thing of which he writes, or how, if at all, he defines it. "Beauty" and "Love" are the terms most commonly used, and they are the words which appear most frequently in Mr. Wheelock's fervent songs. Perhaps if we called the thing "Life," we would come as near as possible to naming it correctly. If you are a pantheist, you may call it God, or if you are very much in love you may symbolize it as the beloved. But in any case, the mood is much the same—it is the mood of feeling spiritually alive and in harmony with a living universe; of seeing existence as a flashing stream trembling with life.

Purely of this nature seems to be Mr. Wheelock's inspiration, as revealed in the present volume of verses. The exaltation of Love and of Liberation, in the loftiest and vaguest senses which these conceptions are capable of bearing, is the dominant motive. The following verses, though not of the author's best, are significant of his general tenor:

Why do I lift my voice
Drunken as though with wine?
Because I have discovered
That everything is divine.

What we seek, we find—
Seem it or near or far:
Because I have discovered
That what we seek, we are.

Joy and Beauty and Love
Never the heart may fly,
Whether it would or no,
Whether it live or die.

As an example of richer expression, we may choose, out of many rich verses, these:

Now the immortal peacock
Above our dreaming heads,
The star-eyed, veering train
Of sumptuous darkness spreads.

Now a foamed wake in heaven
The sun's keel leaves behind
Of stars, and phosphorous splendors,
And memories in the mind.

The two citations seem to mark approximately the poet's two limits—the limit, in the one direction, of thought, and in the other of poetic imagining. But always there is intensity and delicacy of feeling; and as the feeling is delicate and intense, so the expression is simple and the flow of words liquid. Of course we cannot afford to disregard the apparent significance of poetry, however spontaneously lyrical it may be, but that is not the end of the matter. Though there be many—the present critic among them—who find themselves unable to respond whole-heartedly to Mr. Wheelock's mode of celebrating the infinite, while they are baffled in the attempt to distinguish in such utterances as his between insight and illusion, between the vision of truth or beauty and mere meaningless splendor, still few will deny the genuine lyric quality of the verses in *Love and Liberation*. The gift of ecstatic expression has never been vouchsafed to many, and has always been prized for its own sake. This gift Mr. Wheelock possesses in no small degree.

EDUCATIONAL RESOURCES OF VILLAGE AND RURAL COMMUNITIES. Edited by JOSEPH K. HART. New York: The Macmillan Company, 1913.

This volume is intended mainly as a "tool of inquiry," aiming to promote a better social understanding of and among rural and village communities. The editor advances the view, which doubtless has a certain amount of truth in it, that education is at present too closely confined to the school. Education, especially rural education, it has been said, must be hitched to life rather than to a star, and it is becoming incumbent upon teachers and ministers to know something of the economic, social, and

physical conditions of the communities in which they do their work. The social life of many village and rural communities emphatically needs "centers," and the plea for practical and devoted work on the part of the country minister cannot be too often or too strongly made.

This is a day of "surveys" and social statistics, and it is to be hoped that good will grow out of them. The question, however, inevitably arises, Who is to do all the work? Considerations relating to the salaries and educational equipment of country teachers fail to give much encouragement, nor are we likely to "change all that" by a French Revolutionary miracle. On the other hand, it is heartening to reflect that the work of one good and efficient worker spreads far in widening circles; and a well-made tool of inquiry does not come amiss. The book takes up almost every conceivable aspect of community life from soil and temperature to politics and recreation. Each chapter is the work of a writer of some authority upon the particular subject discussed, and to each is appended a list of questions regarding one's own community—questions which, simple as they are, may reveal a pitiful inadequacy of information about things vital and near at hand, on the part of him who lightly essays to answer them. The inquirer is also furnished with suggestive bibliographies.

A SHORT HISTORY OF THE UNITED STATES. By JOHN SPENCER BASSETT, Ph.D., Professor of American History in Smith College. New York: The Macmillan Company, 1913.

Falling, in size and scope, between the ordinary school text or skeleton outline and the more comprehensive histories of many volumes, this book of Dr. Bassett's is convenient and desirable from the standpoint of the general reader as well as that of the college student. Despite a certain occasional awkwardness of style, to which the modern scientific historian, like other scientists, is somewhat prone, the narrative is thoroughly readable. Those who have read little history since their school days will especially note a certain breadth and freshness of treatment. Indeed, there is hardly a page in the book which does not show the effect of modern research in regard to either matters of fact or point of view. Political history furnishes the framework of the narrative, as it must; but the volume contains at intervals summaries of the habits and social progress of the people, and the public welfare is never forgotten. The author has aimed to write a social history, and his success in this respect will satisfy most readers. The narrative extends to and includes the administration of Taft, and among the modern topics discussed are trusts, Chinese immigration, relations with Japan, the war with Spain, the Isthmian canal, and Roosevelt's corporation policy.

LETTERS TO THE EDITOR

PRIMARIES AND PLATFORMS

WASHINGTON, D. C.

SIR,—I do not know whether you have as little respect for the general run of political platforms as I do, but I am inclined to think that our views cannot diverge very greatly in the consideration of these so-called declarations of principles. I have very little respect for them, because I know how they are made and how, under circumstances that make clear thinking and calm acting entirely impossible, suggestions are adopted and incorporated and henceforth are sacrosanct.

So much for an introduction. In view of the fact that it appears almost certain that hereafter all political candidates for office will be chosen in primaries, why should there be any convention and any platform? Isn't it a sort of handicap imposed after the race has been run? Isn't it a ridiculous anachronism?

My impression is that in England, where the parties are clearly and strongly divided, there is no such system as we have, and which, while it had some reason for being under the old system, has absolutely no excuse for existence now.

If we did not have a convention and a platform after the selection of candidates by the primary, we would escape many embarrassments and avoid much undesirable legislation.

At least, that is my opinion, and I hope that if you concur in that view you will let the world hear from you through *THE REVIEW* or any other medium of communication you may elect.

JAMES L. SLAYDEN.

[Undoubtedly there is point in the distinguished Texas Representative's observation; and yet, if platforms be abandoned, what will remain to "get in on" or subsequently to hide behind? It is a problem full of angles.—EDITOR.]

APPRECIATION

DES MOINES, IOWA, *April 9, 1914.*

SIR,—“We Appeal to the President,” in the April *NORTH AMERICAN REVIEW*, is so striking, so appealing to the good sense of the American people, that I congratulate you most heartily. I feel very deeply on this matter because of my knowledge of conditions in Mexico. In a series of letters to Iowa papers some weeks ago I urged, in a modest way, the same thought you have so ably presented. If you could reach all the people.

of this republic with that appeal the pressure would be so strong that President Wilson would at least pause and take account of just where he is landing. This country is going ahead, rapidly and with force, into deep trouble with foreign nations if our policy toward Mexico is not changed. Humanity, at the same time, shudders at what is being done down there and not an effort made to stop it. A slaughter that could have been prevented if Mr. Wilson had not taken such a wrong stand at the start. Keep at it. The President must listen. The people are greatly wrought up over his Mexican policy and he must see his mistake.

C. C. PUGH.

CAMERON, ILLINOIS.

SIR,—I have been a regular reader and subscriber for THE NORTH AMERICAN REVIEW for a number of years, and I am writing to tell you how I enjoy it now more than ever before since your editorials have been published therein.

Your Appeal to the President, as renewed and emphasized in the current issue, is both noble and timely, and, it would seem, must almost surely be heeded.

However, I am not sure but that you do our President an injury when on page 500 you speak of his "course, which in common with everybody else he must know to be wrong."

I fully agree with you in your view of the situation, but surely if President Wilson did he would not lack the courage of his convictions?

Other editorials that I have greatly enjoyed were those relating to class legislation, the assault on classified service, the consular appointments, and the Pindell incident. I think as a patriotic—yes, proud—American citizen, I should say fully approved, rather than "greatly enjoyed," for surely these instances so clearly set forth are enough to make the most hardened partisan blush for shame.

A. A. OGDEN.

RURAL CREDIT

VINITA, OKLA., *April 9, 1914.*

SIR,—I have just read Mr. Van Courtland's article, "What Is Agricultural Credit?" in the April NORTH AMERICAN REVIEW, and have been moved to express myself on a different phase of the same subject.

The majority report of the American Commission which was sent to Europe last summer to study the Rural Credit systems in operation in the different countries showed that the members were in favor of pushing the Rural Credit movement in America. There was, however, a minority which questioned whether our country was yet wholly prepared for such a step.

I was appointed by Governor Cruce to represent Oklahoma, and traveled with the Commission during the entire trip. We were treated with great courtesy and friendliness by the representatives of the different governments, and shown the best they had along the lines of our investigation. Naturally they would not show us the failures, and there are failures, although, as a whole, the co-operative movement in Europe has been a great success. This made some of us anxious to do a little investigating on our

own account. Also it seemed to us that the conditions of the home and the social life of the peasant farmers would form an important piece of evidence. This the Commission could not undertake, partly from lack of time and partly from the obvious impossibility of strangers getting at the intimate details of the life of a people whose language they could not speak.

For the purpose of studying this side of the subject I remained three months longer after the Commission went home. The things I learned in that second three months made me feel that we should proceed with great caution in urging upon our people a system that has succeeded under conditions so radically different from anything we have in the United States.

I do not wish to discourage the co-operative movement, but I do wish very earnestly to call attention to some of the stumbling-blocks in the way.

We know that those farmers who most need credit have difficulty in securing either short or long term loans; that the producer of foodstuffs does not receive a price in proper proportion to the cost to the consumer; that in certain sections farms are being abandoned. Agriculture has not kept up with the times, and beyond a doubt our agricultural conditions must be improved.

The one remedy generally suggested for the sum total of these ills is cheap and easy rural credit. Glowing reports of the success of the co-operative rural banks in Europe have strengthened a belief that our farmers should set up similar institutions. Advocates of the movement assert unreservedly that agricultural credit will increase the yield of the land, reduce the cost of living, and keep our rural population from deserting to the cities. *Quod erat nondum demonstrandum!*

Before entering upon a discussion as to the advisability of trying it in the United States, we should know exactly what the European co-operative rural credit system is, the conditions under which it is operated, and the character and environment of the people benefited. Since these associations vary but little in the various countries, and most of them are built on the Raiffeisen plan, a definition of the latter will serve for the whole. A typical Raiffeisen bank is a registered society with unlimited liability. The principal features are these:

Limitation of membership to one community or village, to secure mutual personal knowledge of the standing of members.

Loans only for productive purposes.

Loans only to members.

Unlimited liability of members.

Permanent indivisible reserve fund.

Short-term credit on personal guarantee.

Credit for long periods with facilities for repayment by instalments.

Absence of profit-seeking, dividends if paid being limited.

Office-holders, except secretary, not paid for their services.

Promotion of moral as well as material advancement of members.

The main idea of the Raiffeisen plan is the using of character as an asset; the giving of credit on personal security; and it follows that the success of a financial institution of this sort depends very largely on the permanency of the community and upon the intimate knowledge each member has of his neighbors' personal affairs, ability, and moral standing.

The first question asked of a man who comes to borrow of a bank of this kind is, "What are you going to do with the money?"

Perhaps the man answers, "Buy a cow."

A committee then decides whether he needs a cow, and, if so, whether he can make a cow pay, before letting him have the money. If he secures the loan, his neighbors watch to see that he uses it for his avowed purpose, and that he takes proper care of his investment.

Supervision of this sort is necessary when a man uses his character as collateral, and conditions which permit of such supervision are imperative.

Rural conditions in Europe and in America are widely dissimilar. The European peasant and the American farmer have radically different habits, ideas, and ambitions. From feudal times the peasants have lived in villages, or communities as they are properly called, since the dwellers are all of one race, and often through intermarriage of a close interrelationship. They have the same customs, the same standards of living, and the same religion. This last is a most powerful bond, since each farming community has its own local church and a resident priest who takes an active interest in the material as well as the spiritual welfare of his flock and is usually the leader in any movement for their advancement. The European farmer rarely moves from one locality to another, but clings to the farm where he was born, and where very likely his father and his grandfather before him spent their lives. This permanency of residence gives the co-operative spirit the setting it must have for development. His standard of living is low; he eats coarse, cheap food; he uses farm carts that were made by his grandfather; his home has but little furniture; the clothing of his family is made for warmth and wear, with no attempt at style. There is no aping of the gentility, in the matter of clothes, food, or amusement, no struggle whatever to live beyond class means. All members of the family, including grandmother and the cow, work in the fields, so there is little expense for hired labor. The average peasant is not educated in books nor by travel. He is slow, superstitious, and conservative. Moreover, he has respect for authority, whether exercised by king, count, or priest, and here enters another factor in the problem. For whenever and wherever a co-operative association, financial or otherwise, has been started it has been done, not by the peasants themselves, but by some philanthropic power or person, government, lord of estate, or religious leader. There is in each country some one high in authority who preaches the doctrine of co-operation and sets in motion the local powers.

Italy has Luzatti and Wollemborg, backed by the active interest of Victor Emmanuel; Hungary had Karolyi; Germany had Raiffeisen and Schultze-Delitzsche; and Ireland has Sir Horace Plunkett.

In Italy agriculture receives assistance from the crown and from titled owners of large estates who partly from altruism, partly from necessity, have instituted co-operative systems for the benefit of their tenants. In Hungary all popular agricultural measures are undertaken and managed by the government or by the nobles. In Austria there are both governmental and popular societies. In Germany the Raiffeisen societies have not received government aid, but were started and supervised by persons of philanthropic motives who had more education and better business judgment than the peasants. In France, where the *Crédit Foncier* does not follow the Raiffeisen type, the rural banks are aided by the state bank. In England there are few co-operative societies, and those there are usually owe their existence to some person of title. In Ireland public-

mindful lords and ladies are preaching vigorously the doctrine of co-operation to an erstwhile reluctant constituency.

Besides the co-operative credit banks there are co-operative societies for the purpose of preparing and marketing farm produce, creameries, slaughter-houses, and the like; and there are other societies for supplying farm necessities to the members. These things are as important helps to agriculture as is credit.

Again, Europeans farm more scientifically than we do. Instead of skimming over as many acres as possible, small holdings intensively cultivated are the rule. The land is carefully conserved by fertilization, rotation of crops, and hand cultivation, so that the yield per acre is much greater than with us. Another advantageous circumstance is the dense population, creating for produce a market close at hand, with slight transportation expenses. Perishable commodities like green vegetables and fruit are taken by the producer himself to the market-place and transferred to the consumer without the intervention of commission man or grocer.

Here, then, are the European conditions:

The rural population segregated into permanent communities where each man knows intimately his neighbors.

A community made up of members of one race, interrelated, with the same habits and ideas, the same religion, the same standard of living, and that a low one.

Farmers submitting to leadership of some person of higher class.

Rural credit banks receiving either government or philanthropic supervision.

Co-operation in buying and selling.

Small farms intensively cultivated.

Conservation of the soil.

A dense population making a near market for produce.

All these things are favorable to the growth of the co-operative spirit, and the leaders of the movement themselves say that rural credit has succeeded in Europe on account of the conditions, not in spite of them. For on the Continent co-operation has succeeded. There have been failures, but the movement as a whole has been a success.

Now turn to our own country. We have no aggregation of farmers' dwellings, no communities. Our rural population live in solitary houses usually set far apart on account of the relatively large areas of the farms. The farmers do not see one another often enough to become intimately acquainted. As a rule, the individuals of any one district differ in ancestry, religion, ideas, and habits. There is no tie that binds one farmer to another any more than there is between farmer and townsman.

The average American farmer is intelligent, independent, ambitious, eager for new experiences, ready to sell and move on, sending his children to town to be educated, leaving the farm himself if speculation offers. He has not a co-operative spirit; he does not wish his individual action hampered, and is averse to indorsing another's liability. He takes orders from no one, resents supervision, and is suspicious of altruistic services. If, say, a banker should try to advise and supervise the affairs of a farming district, he would very probably be told to mind his own business or else asked what he expected to make out of it.

With a mass of people of these characteristics, only classed together because of their occupation, the situation is so diametrically opposite to

that in Europe that the fact of the success of the rural credit movement in the latter region can have little bearing on how it would work in this country. Those forms of rural co-operation that have been tried in the United States—farmers' granges, co-operative creameries, and grain elevators—generally have failed. There is no doubt that co-operation on many lines would be a good thing for the farmers if it could be made to work. It will do no harm to urge them into the spirit of the thing. Let them try a co-operative association for buying seed and fertilizer, or a creamery, or a cow-testing society. If a company of farmers could make a success of something like that, they might be prepared to approach the rural bank idea. But if they fail in the simpler operation, how can they be expected to succeed in the greater?

In the older settled farming regions where the population is more stable, a trustworthy farmer can secure a short-time loan from the local bank on his personal note. Without the formation of a co-operative society he utilizes his character as security in the same way as the member of a Raiffeisen bank, and this is possible because the same conditions are present which make possible the existence of that bank.

Lakefield, Minnesota, has a series of co-operative, enterprises—bank, grain elevator, creamery, supply house—that are being operated satisfactorily. But Lakefield also has that European factor, a leader. Mr. James Caldwell is a man of keen business ability who first preached the co-operative idea, then founded, then supervised the management of all these associations. Lakefield was willing to be led by the superior judgment of Mr. Caldwell, and has profited accordingly. If we had leaders enough the proposition would be simplified.

It should be borne in mind that the welfare of the rural population does not depend wholly upon credit. A lot of our farmers need to be taught better farming, thrift, and business sense. All of them are not failures, and where one is found who knows how to farm and who puts as much brains into his work as a successful banker puts into his, then we find a farmer who is able to finance himself. Legislation cannot make a man prosperous, but education may. We already have agricultural schools, exhibit trains, traveling lecturers, experiment-station bulletins, and farm journals which are doing good work in agricultural education. Townspeople are waking up to the fact that rural conditions affect them as much as anybody. Agriculture is the most indispensable industry, and, whether it flourishes or declines, affects every class; yet it is the one industry which has failed to keep up with the times. Fortunately we are at last aroused to the rural need, and the widespread discussions that are taking place cannot fail to do some good.

The farmer alone cannot work out his own salvation. Successful people in other lines must take hold and help him. But for the very reason that we are all interested in the welfare of farming people the greatest caution should be exercised in urging untried schemes upon them. Rather let us go slowly, one step at a time, until the road is safe and sure under our feet.

MARION SHERWOOD LAHMAN.





JAMES CLARK McREYNOLDS
ATTORNEY-GENERAL OF THE UNITED STATES

NORTH AMERICAN REVIEW

JUNE, 1914

THE CABINET.—I.

A CONSTRUCTIVE DEPARTMENT OF JUSTICE

BY THE EDITOR

" May I take this occasion to say that the Administration earnestly desires to co-operate with and to promote all business conducted in harmony with law; and that, without abating the insistence that the statutes must be obeyed, it will always welcome opportunity to aid in bringing about whatever adjustments are necessary for the re-establishment of lawful conditions without litigation."

ATTORNEY-GENERAL JAMES C. McREYNOLDS gave the keynote of the policy of the Department of Justice in these few words addressed to the vice-president of the American Telephone and Telegraph Company, on December 19, 1913. It marked a change in the attitude of the Government toward all corporations. In a sense, it was a reversal of the practice inaugurated by President Roosevelt and pursued by Attorney-General Wickersham, of enforcing litigation which imposed inordinate expense upon both the Treasury of the United States and the various companies concerned. It opened the way for " settlement out of court " upon a basis which should achieve obedience to law without involving the

Government in agreements of any kind or fettering subsequent administrations. It was designed, in a word, to be both effective and constructive—and so, in fact, it is proving, to a degree so inadequately appreciated by the public that we begin in this number of the REVIEW the publication of a comprehensive summary of the work done, in progress, and in contemplation.

When Mr. Wilson was assembling the members of his Cabinet, we expressed the opinion that his most difficult task was the selection of an Attorney-General. Mr. Wickersham had proved himself a most efficient administrator as well as a great lawyer. His record, indeed, to our mind, has hardly been surpassed in the history of the Department. Clearly, experience no less than ability was a requisite qualification of a successor who might not easily be dwarfed by comparison. Equally essential to indispensable public favor was known freedom from previous corporate alliances. Fortunately, none appreciated more keenly than the President-elect the power of an Attorney-General, in the exceptional circumstances, to make or break an administration, and he canvassed the country assiduously. A seemingly ideal choice was Mr. Frederick N. Judson of St. Louis, but advancing years weighed against the likelihood that he would be able to withstand the physical strain, and Mr. McReynolds was chosen. No Cabinet appointment, barring possibly that of Mr. Lane, was received more approvingly, and even Mr. Garrison's striking success in a more popular Department can hardly be considered more notable—a fact which must be as gratifying to the President to contemplate as it is to the commentator to record.

We have already presented Mr. McReynolds's golden rule of practice. His general theory can be stated most succinctly in his own words.

"There are," he declares, "only three alternatives in dealing with monopoly: its regulation, somewhat as we regulate railroads; government ownership; or suppression by means of the existing laws. The idea of regulation, including the fixing of prices, strikes me as entirely impracticable. Nor do I believe that we are ready for government ownership of production and distribution. There remains only the remedy furnished by the Sherman law. I do not believe in monopoly; I do not regard it as inevitable or beneficent. It is essentially wicked. And I firmly believe

that the Sherman law, energetically enforced, can end monopoly.

“Despite much recent discussion, I still believe in the competitive system. Those who say that competition, under present conditions, is impossible, have not sufficiently observed the facts. Even in railroads—in which competition, for all our Sherman law, is said to be impossible—it does exist. Every part of the country that has more than one railroad has good service; every part that has only one road has bad service. And those who rail at the Sherman law should remember what service it has rendered. Had it not been for that law, unquestionably all our railroads would have gone under a single ownership.”

This declaration of purpose to achieve genuine competition was not novel. It had already been voiced in characteristically felicitous phrase by President Wilson, who said in his speech accepting the nomination:

What we are seeking is not destruction of any kind, nor the disruption of any sound or honest thing, but merely the rule of right and of the common advantage. I am happy to say that a new spirit has begun to show itself in the last year or two among influential men of business, and, what is perhaps even more significant, among the lawyers who are their expert advisers; and that this spirit has displayed itself very notably in the last few months in an effort to return, in some degree, at any rate, to the practices of genuine competition. Only a very little while ago our men of business were united in resisting every proposal of change and reform as an attack on business, an embarrassment to all large enterprise, an intimation that settled ideas of property were to be set aside and a new and strange order of things created out of hand. While they thought in that way progress seemed impossible without hot contest and a bitter clash between interests, almost a war of classes. Common counsel seemed all but hopeless, because some of the chief parties in interest would not take part—seemed even to resent discussion as a manifestation of hostility toward themselves. They talked constantly about vested interests and were very hot.

It is a happy omen that their attitude has changed. They see that what is right can hurt no man; that a new adjustment of interests is inevitable and desirable, is in the interest of everybody; that their own honor, their own intelligence, their own practical comprehension of affairs is involved. They are beginning to adjust their business to the new standards. Their hand is no longer against the Nation; they are part of it, their interests are bound up with its interests. This is not true of all of them, but it is true of enough of them to show what the new age is to be, and how the anxieties of statesmen are to be eased, if the light that is dawning broadens into day.

In succeeding numbers of this REVIEW we shall set forth the facts which seem to justify the conclusion that the At-

torney-General has put into successful and beneficial practice the theory enunciated by the President and himself.

Meanwhile, as a foreword for the information of the many who scarcely comprehend the magnitude of the work in progress, we would direct passing attention to the tasks which devolve upon what has been aptly designated as "the greatest law-office in the world."

The office of Attorney-General was one of the four original Cabinet offices created by the first Congress in 1789. The Department of Justice, however, was not established until 1870; hence for a period of eighty years the Attorney-General, although a recognized member of the Cabinet, was not the head of any executive department. Nor did he during this period enjoy quite the same standing either as to salary or official position as the Cabinet members who were heads of departments, and his proper rank as fourth in the Cabinet was not fixed until the passage of the Act of January 19, 1886, which provides that in case of the removal, death, resignation, or disability of both the President and Vice-President, the duties of the President shall be performed by one of the members of the Cabinet in the order therein specified, the Attorney-General being the fourth member named.

The duties of the Attorney-General as prescribed by the Judiciary Act which created the office were purely legal, consisting merely of representing the Government of the United States in the Supreme Court and rendering opinions on questions of law when required by the President of the United States or requested by the heads of any of the executive departments. He does not appear to have had much to do at the outset, it being of record that he had no business to transact before the Supreme Court at its first two sessions. It was for this reason, doubtless, that his salary was originally fixed at a smaller amount than that of other Cabinet officers; for, with his official duties so light, it was thought that he could and would engage in the private practice of the law, and that the prestige of the office would render it attractive even though the compensation were small.

With the establishment of the Department of Justice in 1870 the duties of the Attorney-General ceased to be of a purely legal nature and became to a great extent executive.

The principal officers of the Department of Justice under

the Attorney-General are: the Solicitor-General, the Assistant to the Attorney-General, and eight Assistant Attorneys-General, including the Assistant Attorneys-General for the Interior and Post-Office Departments; the Solicitor for the Department of State; the Solicitor of the Treasury; the Solicitor of Internal Revenue; the Solicitor for the Department of Commerce; and the Solicitor for the Department of Labor. The legal and clerical force of the Department of Justice in Washington now numbers approximately 345 persons.

Outside of Washington there are the United States Attorneys and the United States Marshals, one in each of the eighty-six judicial districts in which the United States and Territories are divided; and the officials and employees of the three Federal penitentiaries at Atlanta (Georgia), Leavenworth (Kansas), and McNeil Island (Washington). These are all subordinates of the Attorney-General.

The total number of persons connected with the Department of Justice, including court officials and employees, is about 7,500, the total number of appointments made by or upon the recommendation of the Attorney-General being 2,067.

Generally speaking, the Attorney-General is charged by law with responsibility for the conduct of all legal proceedings involving the interests of the United States. His administrative duties, however, have now become so varied, extensive, and exacting that he can directly participate in the trial and argument of the most important cases only; and even in these he does not usually take part until they reach the Supreme Court, it being the special duty of the various United States District Attorneys to represent the Government in the lower courts. Of course, there are exceptions to this rule. Last fall the present Attorney-General appeared for the Government in the argument of the Harvester Trust Case at St. Paul, Minnesota.

During the last fiscal year there were instituted in the District Courts 3,752 civil and 16,753 criminal cases in which the United States was a party. The civil cases consisted principally of suits for injunctions to prevent violations of laws of the United States and to protect the property interests of the United States, and of suits for penalties and forfeitures under the Customs, Internal Revenue, Post Office, Safety-Appliance, Twenty-eight Hour, Hours of Ser-

vice, Land and Timber Trespass, and Pure Food and Drug laws. The criminal cases consisted principally of prosecutions for violations of the Customs, Internal Revenue, Post Office, National Banking, Land and Timber Trespass, Pure Food and Drug, Meat Inspection, and Interstate Commerce laws. During the same year there was realized from judgments in favor of the United States, \$441,350.05; from old judgments, compromises, etc., \$407,671; from fines, forfeitures, and penalties, \$689,276.05, and from collections through the office of the Solicitor of the Treasury, in compromises of claims not in suit, \$740,334.41; making the total collections for the year from these sources, \$2,278,631.51.

The preparation of briefs and arguments in the Supreme Court in cases in which the United States is a party is, of course, one of the most onerous and delicate duties of the Department, since cases which have reached the highest court usually involve important principles or great material interests.

During the October Term, 1912, of the Supreme Court there were one hundred and forty-three cases disposed of in which the United States had an interest. Thirty of these cases were appealed by the United States and one hundred and ten by the other side, and three were certified by lower courts. Each of these cases required the preparation of briefs, motions, etc., and most of them were argued orally. Of the thirty cases appealed by the United States, thirteen were decided in its favor and eight against it, one was decided partly in its favor and partly against it, four were dismissed by it, one was dismissed by the court for want of jurisdiction, two were modified and affirmed, and one was a denial of a petition for writ of certiorari. Of the one hundred and ten cases which the other side appealed, fifty-six were determined in favor of the United States and five against it, three were modified and affirmed, seventeen were dismissed by the appellants, seven were dismissed by the court, three were docketed and dismissed, seventeen were denials of petitions for writs of certiorari, two were denials of applications for writs of error, and three were decisions in favor of the United States on questions certified by the lower courts.

During the current term (October Term, 1913) of the Supreme Court, one hundred and eighty cases have been docketed in which the United States was a party or had a

substantial interest. Of these, eighty-six have thus far been disposed of.

Among the important cases argued at the current term of the Supreme Court are the Bleached Flour Cases, involving the question whether it is a violation of the Pure Food Law to use poisonous substances, in harmless quantities, in the manufacture of artificial food; the Pipe Line Cases, involving the question whether Congress has the power to declare privately owned pipe lines to be common carriers and to compel them to transport oil for all alike; the cases involving the constitutionality, under the Fifteenth Amendment to the Constitution, of the so-called "Grandfather Clause" of the Oklahoma Constitution; and the Lumber Trust Cases, involving the legality under the Anti-Trust Act of combinations of retail dealers for the purpose of preventing consumers from buying directly from manufacturers and wholesale dealers.

The duty of rendering legal opinions to the President and the heads of the Departments, prescribed by the Judiciary Act creating the office, is still one of the most important which the Attorney-General has to perform. The preparation of these opinions requires great care and research, as they cover every branch of the law and often constitute the basis of governmental action of far-reaching consequences. Sixty-five such opinions were rendered last year. The opinions of the Attorney-General, from the beginning of the Government, have been carefully compiled, and now comprise more than thirty printed volumes.

In addition to these formal opinions, it is the duty of the Attorney-General to pass upon the titles to all lands purchased by the United States. Last year two hundred and thirty-one such opinions were rendered, the estimated value of the lands involved being \$3,000,000.

The enforcement of the Anti-Trust law has perhaps as great a public interest at this time as any other work of the department. It is the policy of the department to investigate every substantial complaint of alleged violations of this law, whether made by public authorities or by responsible private citizens, and to authorize prosecutions, of course, in all cases where the investigation shows the complaint to be well founded.

One hundred and sixty-four proceedings have been instituted by the United States under this law since its enact-

ment. Among these were the suits against the Standard Oil, Tobacco, Coal, United States Steel, Harvester, Union Pacific-Southern Pacific, and other large companies. There are forty-four such proceedings pending at the present time. Of the more recent proceedings, the suits against the anthracite coal-carrying railroads are of great interest and importance. Three such suits have been filed against as many railroads, charging in substance that by means of acquisition of coal-lands, rebates, and discriminations, they have acquired a practical monopoly of the production and sale of coal from mines along their respective lines. These suits also are based to some extent upon the Commodities Clause of the Act to Regulate Commerce, which prohibits a common carrier from transporting any article or commodity which it owns or in which it has any interest.

Another very important branch of the work of the Department of Justice consists of suits and other matters relating to the public lands and water rights of the United States. At the beginning of the present fiscal year there were pending in the courts approximately six hundred and seventy-four civil and two hundred and fifteen criminal cases involving public lands, the majority of them being suits to cancel patents fraudulently obtained and prosecutions for timber trespassing and illegal fencing.

Among the more important of these litigations are the Oregon and California Railroad Land Grant cases. The principal suit in this series is against the railroad, and involves all of the lands granted by the Acts of July 25, 1866, and May 4, 1870, which were still held by the railroad at the time of the institution of the suit, amounting approximately to two million three hundred thousand acres, of the estimated value of \$50,000,000. In addition, forty-five suits have been brought against persons who have purchased certain of the lands granted by the above-mentioned Acts in violation of the restrictions imposed. These suits involve about three hundred and ninety thousand acres, of the estimated value of \$15,000,000. The object of all these suits is to enforce a forfeiture to the United States of the lands involved, on the ground that the conditions of the grant have been violated.

There are pending also a number of suits looking to the preservation of oil lands for the use of the navy. Experts having concluded that petroleum constitutes a very valua-

ble fuel for naval purposes, on September 27, 1909, and on several later dates, but prior to the Act of June 25, 1910, expressly giving him authority to make withdrawals of public lands, the President promulgated executive orders reserving immense areas of public oil lands in California, Wyoming, and other States from entry under the Public Land laws. These orders were not generally observed, and it appearing that some of the most valuable of the oil lands sought to be reserved had been and were being entered upon and claimed by individuals and corporations under the Mining and Public Land laws, three suits were instituted against operators in California, and a fourth in Wyoming, and others are in prospect. The suit in Wyoming, being free from disputes of fact and other complications, was selected for the purpose of securing the prompt determination of the question of the President's authority to make the withdrawals. The Government having lost in the District Court, the case was appealed to the Circuit Court of Appeals, which certified the principal question to the Supreme Court, where the case has been argued.

The Department is also charged with the important and laborious duty of defending suits against the United States in the Court of Claims. This litigation originates principally in the numerous contracts made by the different departments and bureaus of the Federal Government; for example, contracts for the building of battle-ships, cruisers, and other vessels, for the erection of public buildings, for the dredging and improvement of rivers and harbors, for army supplies, for carrying mails, for carrying on the operations of the Reclamation Service, etc. It also includes suits on claims growing out of the so-called "Boxer Outbreak" in China in 1900, claims for Indian depredations, and the so-called French Spoliation Claims. During the fiscal year 1913 there were nineteen hundred and sixty-four cases of all kinds filed against the Government in this court, the total amount of the claims being \$20,164,288.16; and fifteen hundred and forty-three cases, involving \$14,689,427.73, were disposed of, the total amount awarded claimants being but \$704,464.65.

The settlement of the French Spoliation Claims has been dragged out over many years. However, of the two thousand nine hundred and twenty-three such cases pending in April, 1913, two thousand six hundred and twenty-six have since

been disposed of either by trial or on motions to dismiss for failure of claimants to prosecute. The remaining two hundred and ninety-seven cases will be concluded by the fall.

Of all classes of cases in the Court of Claims, seven thousand have been disposed of since April, 1913, either by trial on the merits or upon motions to dismiss for failure of the claimants to prosecute.

An exceedingly important branch of the work of the Department is that of representing the United States in proceedings and litigations involving the customs before the Board of General Appraisers and the United States Court of Customs Appeals. Under the customs laws an importer who is dissatisfied with the decision of the Collector of Customs with respect to the duty on merchandise imported by him may file a written protest, which will entitle him to a hearing upon the law and facts before the Board of General Appraisers which sits at the Port of New York and may take testimony at the ports of Boston, Philadelphia, Baltimore, Chicago, St. Louis, San Francisco, St. Paul, New Orleans, Los Angeles, Portland (Oregon), and Seattle. During the last fiscal year two thousand nine hundred and thirty-four hearings were held by the Board of Appraisers at New York City, and sixty-five hearings at other ports, and the total number of protests disposed of during the year was ninety-eight thousand four hundred and eighty-three. From the decision of the Board of General Appraisers an appeal may be taken to the United States Court of Customs Appeals. During the fiscal year 1913 two hundred and forty-seven cases were decided by that court, the Government being successful in one hundred and fifty-seven and the importers in ninety.

The Assistant Attorneys-General for the Interior and Post Office Departments and the Solicitors for the Departments of State, Treasury, Commerce, and Labor occupy a somewhat anomalous position. Although nominally a part of the force of the Department of Justice and subordinates of the Attorney-General, they have their offices in the several departments to which they are accredited. In fact, they are legal aids to the other Cabinet officers. Since their work for the most part is carried on independently of the Department of Justice, it would be outside the scope of this article to describe their duties further than to say that in general they pass upon questions arising in their respective depart-

ments in respect of which it would not be appropriate, according to practice and usage, to request the opinion of the Attorney-General.

Another branch of litigation in which the Department has to take part involves the Indian lands. From time to time the Government of the United States has allotted lands to the Indians, and for their protection restrictions were imposed as to sales and conveyances by them. In many instances, however, the Indians have been prevailed upon to make conveyances of lands allotted to them upon very disadvantageous terms. Acting in a sense as their guardian, the Government has instituted thousands of suits to set aside such conveyances. By the provisions of an Act approved March 3, 1893, United States District Attorneys are required to represent the interests of Indians in all suits at law or in equity, except, of course, proceedings against the United States, and many suits have been prosecuted on behalf of the Indians to recover rentals and royalties on their leased lands, to protect their water rights, etc.

Coming now to the purely administrative functions of the Attorney-General, one of the most important is the supervision and control of the affairs of the United States penitentiaries at Atlanta (Georgia), Leavenworth (Kansas), McNeil Island (Washington), and of the jails and reform schools of the District of Columbia, and of the maintenance and support of the United States prisoners throughout the country. Among other things, this involves the letting of contracts for furnishing supplies, building materials, and for construction work at the three Federal penitentiaries, and the prescribing of the rules of discipline in those institutions. The cost of maintaining these institutions during the fiscal year 1913 was \$500,238.34.

The number of Federal prisoners confined in the United States penitentiaries, the Government Hospital for the Insane, the National Training School for Boys, and State institutions (other than county jails), on June 30, 1913, was 2,937. Besides these there are many Federal prisoners, the estimated daily number in confinement being about 25,000, sentenced to county jails for periods varying from one to six months for minor infractions of the Federal laws.

Under the Act of June 25, 1910, known as the Federal Parole Law, all United States prisoners sentenced to a term of more than one year may apply for a parole after the ex-

piration of one-third of that term; and the Attorney-General is charged with the duty of prescribing rules and regulations governing the parole of prisoners and for the general administration of the system. A Board of Parole has been organized for each penitentiary and consists of the Superintendent of Prisons and the warden and physician of the particular institution. Applications for parole are first heard and considered by this Board. If the Board makes a favorable recommendation the case goes to the Attorney-General for his approval or disapproval.

A very burdensome and harassing part of the work of the Attorney-General, and one which requires much of his time and attention, has to do with the exercise of the pardoning power. Under the law all applications for executive clemency (other than for desertion or other offenses against the military or naval laws) must be filed with the Department of Justice. Upon receipt of such an application it is referred at once to the United States Attorney for the district where the trial took place, with directions to submit a report and recommendation, and also to secure, if possible, the views of the trial judge. Reports are also obtained from the warden and prison physician regarding the prisoner's conduct and physical condition. When none of those so consulted advises clemency, the application is not sent to the President, except by his special request or by order of the Attorney-General. It is the duty of the Attorney-General to examine and consider applications for clemency (whether the plea be for absolute pardon, commutation of sentence, remission of fines, or restoration of civil rights) and to transmit them to the President with his conclusions and recommendations. Last year seven hundred and thirty-one such applications were filed with the Department.

Another important duty of the Department is to conduct investigations of alleged violations of the laws of the United States, and for the purpose of obtaining evidence to be used in cases pending or to be instituted, and for such other purposes as the business of the Department requires. The work has now been very thoroughly organized, and consists of special agents who make investigations generally, of expert accountants who are employed principally in investigations of alleged violations of the National Banking laws, and examiners who conduct inquiries into the offices and

affairs of United States Attorneys, Marshals, Commissioners, and Clerks of Courts. The principal work of the Bureau of Investigation is in connection with the enforcement of the Anti-Trust laws, the National Banking laws, the Neutrality laws, and the White Slave Traffic Act.

No duty which the Attorney-General has to perform is more exacting than that in connection with appointments to office. Not only must he select the persons to fill the positions under his immediate Department—positions requiring especial qualifications and yet paying very small salaries—but he must also examine into the qualifications and hear the representations on behalf of applicants for the much-sought-after positions of United States Attorney and United States Marshal in each of the eighty-six judicial districts, and recommend to the President persons to fill such positions. Again, he must recommend to the President proper persons to be nominated to fill vacancies in the Federal judiciary. This duty involves the most thorough investigation and the exercise of the utmost circumspection and discretion. The Attorney-General has no more important duty than this, and it is exacting and difficult in proportion. There are one hundred and eighty-four Federal judgeships in all, and vacancies are constantly occurring by either death or retirement.

Whilst under the Constitution the Federal judiciary is a co-ordinate branch of the Government, yet the actual administration of the judicial system in no inconsiderable extent rests upon the Attorney-General. Of course, the Attorney-General has no control whatever over the judiciary, but, as the latter make no report to Congress, it becomes the duty of the Attorney-General to make recommendations from time to time for the improvement of the judicial system. Thus experience has shown that the administration of justice has been embarrassed at times in some localities because a judge, although eligible for retirement on full pay, has remained on the bench beyond the time when he was capable of properly discharging his duties. As the Constitution provides that judges may hold their offices during good behavior, it is impossible to compel the judge to retire in such a case. To correct this situation the Attorney-General in his last Annual Report to Congress suggested the enactment of a law providing in substance that when any judge below the Supreme Court fails to avail

himself of the privilege of retiring, the President shall, with the advice and consent of the Senate, appoint another judge who shall preside over the affairs of the court and have precedence over the older one.

For carrying on the work of the Department of Justice and the United States courts there is expended annually, under the direction of the Attorney-General, the funds of from eighty-five to one hundred different appropriations, amounting in the aggregate to approximately \$10,000,000, of which substantially one-half is for the support of the Department of Justice and the other half for the support of the Federal courts. These appropriations provide for the salaries of the justices of the Supreme Court and of the judges of other Federal courts throughout the country, and of the officials and employees of the several branches of the Department of Justice; and also for the fixed and contingent expenses both of the Department and of the courts.

Besides disbursing the appropriations for the support of the Department of Justice and of the Federal courts, it is also the duty of the Attorney-General annually to compile estimates for these appropriations; and an Act of Congress approved July 31, 1894, charges the Attorney-General with the duty of supervising the examination and auditing of the accounts of District Attorneys, Marshals, Commissioners, and Clerks, and other officers of courts.

The first article on the work of the Department of Justice under the direction of Attorney-General McReynolds, bearing upon the adjustment of the affairs of the New York, New Haven & Hartford Railway Company, will appear in the July REVIEW.

EQUALITY BEFORE THE LAW

Permit me to say to the man of labor it has never been a matter of very much concern to the man of great wealth under what form of government he lives. The man of wealth can get along; he always has got along pretty well under any form of government. In the hour of lawlessness, when disorder and crime prevail, he finds a way to protect himself. But there is only one sure and certain protection and safeguard for the poor, and that is a government of just and

equal laws, faithfully enforced, universally obeyed. That is the goal for which he should always strive—that means peace and prosperity; it means educated children and comfortable homes. He finds his protection in a free, open Republic in whose supreme power and honor all may share and whose orderly justice all may enjoy. Such a government can only come from a law-abiding, home-loving people. In the hour when the supreme question overtopping all others is enforcement of the law, obedience and respect for the expressed mandates of the people, in God's name let not those who are most interested in that great issue either ask or give quarter.—Senator WILLIAM E. BORAH.

A FULL year ago, writing in *Harper's Weekly*, we appealed to President Wilson as earnestly as lay within our power to reject the iniquitous proviso to the Sundry Civil Appropriation Bill which forbade the use of money therein appropriated for prosecuting violations of law by labor unions and farmers' associations. Six months later, in this REVIEW, we pronounced his refusal to do so "the one big blot" on his administration, and added:

In brief, the proviso was regarded by its sponsors as a mere precursor of a definite amendment of the "substantive statutes" to exempt one class from the punishment visited upon all other classes for criminal offenses against the law. Already signs appear that, encouraged by President Wilson's attitude, Mr. Gompers intends to urge this explicit proposal upon Congress at the coming regular session, in conformity with the prediction of Senator Hughes. The inevitableness of this consequence of the President's action was apparent from the beginning. It becomes evident, therefore, that unless the President can and will control and chain the forces opposed to the fundamental principle of "equal rights for all" which he himself has unloosed, the country will very soon face a determined struggle for class domination whose outcome every patriotic citizen must contemplate with the gravest foreboding.

That the original appeal and subsequent warning were made in good faith and were fully warranted, the President can hardly fail now to realize. Nor can he well close his mind to the certainty that, in acting against his declared convictions upon the most specious grounds of expediency, he committed a political blunder of the first magnitude. It would have been easy then, when enthusiasm was at its height and the new broom was sweeping clean, to place the Democratic party squarely and finally against any proposal of legislation in favor of a class. Unfortunately for the

country, the party, and himself, the President admitted the camel's head, and now, at the most unfortuitous time imaginable, upon the eve of Congressional elections, when Senators and Representatives are most amenable to threats and cajolery, he is confronted by the necessity of closing the door. The frightened compromising constructors of the anti-trust measure now pending attempted to avert the struggle by providing that "nothing contained in the anti-trust laws shall be construed to forbid the existence and operation" of labor unions and the like "or to forbid individual members from carrying out the legitimate objects of such associations," but their halting endeavor has failed utterly. Mr. Gompers has served notice upon the Congress that wholly unnecessary recognition of the "existence" of unions will not suffice; that nothing less than complete exemption from prosecution under the law will be accepted; and that "if the party in power is not in favor of outlawing organized labor, it must give substance to that conviction." Accordingly, on April 30th, the "union-card group" of Congressmen waited upon the President and presented their demands. The *World* recounts the incident:

WASHINGTON, *April 30th*.—Open warfare between the Administration, led by President Wilson, and the American Federation of Labor, led by Samuel Gompers and organized labor's representatives in Congress, is imminent.

The threat of open warfare was made to-day during conference between the President and a delegation of organized labor's spokesmen in Congress. These leaders were Representatives Lewis of Maryland, Keating of Colorado, Casey of Pennsylvania, and Sherwood of Ohio.

Representative Lewis and his delegation went to the White House and demanded of the President that the pending anti-trust bills be amended to exempt organized labor from the application of injunctions, as now provided by the Sherman law. They told the President that the provision in the pending measures, which recognizes the existence of labor organizations and farmers' alliances, does not go far enough.

They demanded, also, that labor be taken out entirely from the classes of interstate business which come under the application of the Sherman law.

These Representatives knew their subservient Congress, but they felt no certainty regarding the President, who said plainly when he signed the Sundry Civil Bill:

If I could have separated from the rest of the bill the item which authorized the expenditure by the Department of Justice of a special sum of \$300,000 for the prosecution of violations of the anti-trust law I would have vetoed that item because it places upon the expenditures a limitation

which is in my opinion unjustifiable in character and principle. But I could not separate it.

What could this mean? That the President would actually veto a measure so ardently desired by so great a number merely because it was "unjustifiable in character and principle"? They would put him to the test; they would find out; they did. The *World's* apparently authorized despatch continues:

When the delegation made known its intentions the President called Attorney-General McReynolds into the conference.

After the arrival of Mr. McReynolds the meeting lasted one hour. At its conclusion none of the Representatives would indicate what the President had told them.

It was ascertained subsequently that the President informed the Representatives he would agree to nothing more than is already provided in the bills. He flatly rejected the demands of the labor representatives and informed them that the provision in the pending legislation complies with the Democratic party's platform pledges.

The President is ready to take the fight to the floor of the House and Senate and to the country. He is of the opinion that organized labor wants the Administration to sanction legislation which would not stand the test of constitutionality in the Federal courts.

Whatever regret one may have felt at the President's initial temporizing is wholly obliterated by his present determination to fight out this issue to a finish, without regard to the effect upon the political fortunes of his party or himself. It is, to our mind, the most courageous act of his career, and, as such, it makes double demand upon the loyalty and fervor of all good citizens.

Now let us analyze!

Replying to an editorial which appeared in the January number of this REVIEW, Mr. Gompers presents his case in the *Federationist*. "The proviso," he says, "which Colonel Harvey attacks is, as all but him know, as follows:

Provided, however, that no part of this money shall be expended in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, the shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful.

How we could attack a proviso without being aware of its existence or contents is difficult to comprehend; we can only assume that an irresistible desire to sneer eradicated from Mr. Gompers's mental vision his own inept paradox.

In any case, he submits the following as his own interpretation of the proviso:

Words cannot more clearly or forcefully state that the purpose of the proviso is to remove the organized workers from prosecution simply and purely because they are organized workers and to secure them equality before the law, and to provide that they shall be punished only for acts in themselves unlawful.

It is not clear to any one who is willing to accept the plain, unmistakable meaning of words in common usage that the purpose of the proviso is not special favors and class legislation, but equal rights and equal opportunities for all?

Does any one who is not an advocate of special interests and a pleader for special favors hold that there should be "prosecution of any class"? Organized workers and all others who desire liberty and equal opportunities for all denounce class prosecution and demand prosecution of unlawful deeds only.

Surely no plainer admission of discrimination could be desired than Mr. Gompers's own that "the purpose of the proviso is to remove the organized workers [and no others] from prosecution." To the question, "Is it not clear that the purpose is not class legislation?" we have no occasion to make response. Senator William Hughes, the leading union-labor representative in Congress and the chief advocate of the measure, did that when he declared frankly, "It is true that it is class legislation in my judgment," and rested his support of the Bill upon the claim that unions are fairly entitled to the very special favors which Mr. Gompers so disingenuously decries. To the further query, "Does any one who is not an advocate of special interests and a pleader for special favors hold that there should be 'prosecution of any class'?" we reply no. True, Mr. Gompers favors prosecution of any and all classes except his own, but Mr. Gompers is openly and avowedly just such an "advocate" and "pleader" as he himself has unwittingly depicted. Nobody else has evinced a desire to prosecute a class; it is the *exemption* of a class from prosecution that is objectionable. To the concluding declaration that organized workers "demand prosecution of unlawful deeds only" we beg to inquire, Since when has it been possible to prosecute lawful deeds?

Why the need of this proviso at all if its sole effect is to assure immunity from punishment of persons who have broken no law? The Bill of Rights, the Constitution, every living statute, every court, does that. No; this proviso con-

tains much more than mere superfluity. To say that it exempts only "any act not in itself unlawful" is sheer subterfuge. Mr. Taft put his finger on the trickery of the device when he said in his veto message, "Under the law of criminal conspiracy acts lawful in themselves may become the weapons whereby an unlawful purpose is carried out and accomplished." This is notably true of the Anti-Trust Act, under which a man may do many things in an individual capacity to restrain the trade of his competitors, but when he does them in combination with others those lawful acts become unlawful acts. In the words of Senator Sutherland:

A body of working-men no doubt have a right to enter into an agreement or to enter into a combination or to organize for the purpose of increasing their wages or bettering their condition, and, in so far as the agreement is for that purpose, it is not subject to the provisions of the Anti-Trust law; but that same body of men may restrain trade by doing something else. If their combination indirectly has the effect of operating in restraint of trade, still it is not subject to the provisions of the Anti-Trust law, but if several of these organizations, legitimately gotten together for these legitimate purposes, should afterwards combine for the purpose of restraining trade among the States, they would be subject to prosecution under this law, precisely as would anybody else. The thing which the Sherman Anti-Trust law is aimed at is not capital; it is not labor; it is not farmers' organizations. The thing which the Sherman Anti-Trust law is aimed at is the restraint of trade. The restraint of trade among the several States of the Union is regarded as an evil which ought to be punished by law, and it is no less an evil if brought about by a number of organizations of working-men than if done by a number of organizations of capitalists.

We are not punishing under the Anti-Trust law capitalists because they are capitalists, or because they are engaged in business to make money out of business, or to increase their profit in their business; but we are punishing them because they restrain trade. So, in the same way, we do not undertake to punish organizations of laborers because they are organizations of laborers, or because they are undertaking to increase their wages or to better their conditions, but only when and only because they engage in such combinations and conspiracies, if they ever do, as to result in restraint of trade. Then it is just as much a violation of the Sherman Anti-Trust Act as if it were done by anybody else.

This is the situation as it is to-day. The great law exists, and all are equal before it. Enact the proviso and immediately the "secondary boycott" will be legalized; that is, members of a labor-union will not only be privileged, as now, (1) to strike, (2) to agree to strike, (3) to act under a leader in a strike, and (4) to apply the direct boycott, but they will have the absolute and exclusive right to obstruct the

natural and ordinary interstate trade and commerce of the United States, contrary to the intent of the Constitution and to the purpose of the Sherman law.

They will be empowered, moreover, to commit criminal acts without restriction and with full impunity. The Attorney-General is forbidden to prosecute any combination *having in view* the increasing of wages, shortening of hours, or bettering the conditions of labor, "so that," in the words of Mr. Taft, "any organization formed with the beneficent purpose described in the proviso might later engage in a conspiracy to destroy by force, violence, or unfair means any employer or employees who failed to conform with its requirements, and yet because of its originally avowed lawful purpose it would be exempt from prosecution by this act, no matter how wicked, how cruel, how deliberate the acts of which it was guilty."

A more shocking proposition from the standpoint of equality before the law cannot be imagined; and yet Mr. Gompers calmly remarks:

We submit to any fair-minded person of ordinary intelligence as to whether there is anything in that provision that could be sanely construed as substantiating Colonel Harvey's interpretation.

And so do we. Indeed, we do not hesitate to submit the question to persons blessed not only with fair minds, but even with intelligence that is not "ordinary."

Mr. Gompers continues seductively and flamboyantly:

Organizations of laborers exist because of human needs; they seek human welfare and betterment; they control only human labor power, one and inseparable from their very life.

To which we say, speaking more exactly: Organizations of laborers are made to obtain *their own*, not commonly human, needs; they seek *their own* welfare and betterment, quite naturally and properly; they control only *their own* human labor power; but under the misguidance of Mr. Gompers they seek to control the human labor power of ten times their number who, though not organized, are still supposed to possess the "inalienable rights" of "life, liberty, and the pursuit of happiness."

"Material things," says Mr. Gompers, loftily, "are for the service of human beings; they are external and appropriate."

Immaterial things such as higher wages, we have to infer,

are internal, even perhaps spiritual, but none the less—shall we say?—when occasion offers, “ appropriable.”

“ Cannot Colonel Harvey see,” asks Mr. Gompers, “ that there are real differences between organizations for profits and unions of working-men?”

And we answer no. Nor can anybody. Labor is the capital of working-men, and it is brought under unified control to enhance its revenue, its “ profits ”—for no other purpose under the sun. What nonsense to pretend otherwise or to arrogate an altruism which upon its face is false!

But it is idle to reason with Mr. Gompers; his mind is closed; his dangerous fallacies are firmly fixed. Bereft of argument, he resorts to the traditional method of the country shyster, and makes a personal attack, comprising four explicit falsehoods, which may be ignored with becoming placidity of spirit.

Far more important is the attitude of President Wilson, who “ is of the opinion that organized labor wants the Administration to sanction legislation which would not stand the test of constitutionality in the Federal courts.” President Taft expressed the same view when, after denouncing the proviso in the Sundry Civil Bill as “ class legislation of the most vicious sort,” he declared that “ if it were enacted as substantive law [as is now proposed] no one, I take it, would doubt its unconstitutionality.” This also was the judgment of the eminent lawyers—Senators Edmunds, Evarts, and George—who framed the Act. “ But what of it?” ask the advocates of the measure. “ If the Supreme Court finds the Bill unconstitutional, it will throw it out; so no harm can result from passing it. But let the courts decide.” Even more vicious than the Act itself is this specious plea, put forth at a time when Mr. Roosevelt and his cohorts, in their strident pursuit of “ social justice ” within or without the law, are moving heaven and earth to discredit the courts as agencies thwarting “ the will of the people.”

Senator Borah made a telling declaration upon this point on May 9th, when, speaking on the Migratory Bird Bill, he said:

Undoubtedly the Senator from New Hampshire [Mr. Gallinger] was correct in his idea that as the law is upon the statute-books there should be sufficient appropriation to test it, not only because it is there, but because the policy of it is well grounded. But I want to record, never-

theless, in passing, that in my opinion it is only one of many laws of this kind which are being passed without the real conviction and judgment of the Senate as to their constitutionality behind them. The evil of that is that they pass on to the courts, and the courts are bound by a different rule and obligated by a different view of the situation, very often holding those provisions of the statute which we pass as constitutional unconstitutional, and therefore the courts are constantly challenged throughout the country as being obstructive in their nature and in their disposition with reference to legislation.

The fact is that if Congress would apply the same rule that the Supreme Court of the United States feels bound to apply, a great number of these measures would never reach the Supreme Court of the United States, and the great and onerous burden would not be placed upon it of declaring many things unconstitutional which we believe as our final judgment are unconstitutional.

Undoubtedly, as Senator Borah declares, the Congress should apply the same rule that the Supreme Court *must* apply, but unhappily, as he is bound to admit, it has often evaded responsibility by refusing to do so. All Presidents, however, have acknowledged a distinct obligation to regard doubt of the constitutionality of an Act as a paramount consideration, and President Wilson, in taking his present stand upon the legal advice of his Attorney-General, has back of him both the Constitution and the precedents.

So, too, with respect to his party's pledge. Much has been made by Mr. Gompers and his followers of the following plank in the Baltimore platform:

The expanding organization of industry makes it essential that there should be no abridgment of the right of wage-earners and producers to organize for the protection of wages and the improvement of labor conditions, to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade.

Mr. Gompers brazenly pronounces this declaration "a pledge to enact legislation granting to labor the right of free organization and of all activity in furtherance of organization and of all activity in furtherance of organization not in itself unlawful." The falseness of the pretense is apparent. There is no suggestion of a promise to enact legislation of any kind; it is merely adjudged "essential" that there should be no "abridgment" of rights already possessed, including, of course, that of organizing without being regarded as an "illegal combination in restraint of trade"; and there is not so much as a hint of justification of activity "not in itself unlawful." The President is more than justified in claiming that the proposed clause providing that

“ nothing contained in the Anti-Trust laws shall be construed to forbid the existence and operation ” of labor-unions “ or to forbid individual members from carrying out the legitimate objects of such associations ” is satisfaction in full of the party declaration. The fact is, as noted above, that there was no promise whatever of new legislation, and the sop of “ recognition ” might well be abandoned, since it implies no additional rights and can serve no other purpose than to confuse the courts with unnecessary verbiage.

Even though the platform had contained the very words wrongfully attributed to it by Mr. Gompers, they would have no binding force upon either the President or his party, for the simple reason that they contravene the principle of equality before the law which is fundamental to the Democratic party, and can no more rightfully be set aside by a mere declaration than an Article of the Constitution can be annulled by a statute. It is upon this very ground—*i. e.*, of basic objection to subsidies, that the President justifies with full warrant in morals his attitude with respect to canal tolls. The plank regarding a second term is in another category.

Mr. Gompers reiterates the familiar assertion that “ there never was any intention on the part of Congress to include labor-unions in the Sherman Anti-trust Act.” The fact is that the identical amendment now advocated by Mr. Gompers was proposed, was discussed, and was rejected. It was drawn by Senator George, was introduced by Senator Sherman, and, in common with many other amendments, was agreed to perfunctorily without debate by the Senate sitting as Committee of the Whole on March 26, 1890. The Bill was reported back to the Senate on the following day, and, evidences appearing that many of the amendments accepted by the Committee of the Whole were objectionable, Senator Edmunds made this parliamentary announcement:

Every part of this whole thing, text and amendments—it does not make the least difference which—is open to motions to strike out and insert and every other available motion. Therefore no Senator can be gotten into a trap, as it might be called, or be misled in respect of losing any right to propose to change the bill, to leave something out, or put something in anywhere in it from top to bottom.

The proposal to exempt labor-unions and farmers' associations was discussed at length by Senators Hoar, George, and Edmunds. The Bill was then referred to the Com-

mittee on Judiciary, with instructions to report within twenty days. What happened in that Committee is best told in Senator Edmunds's own words, to wit:

All the proposed amendments were sent to the Judiciary Committee, which committee *unanimously decided that such an exemption would not only be unconstitutional, but would be against the fundamental principles of public policy.*

The members of the Committee who voted unanimously to reject the proposed amendment on the grounds stated were Senators Edmunds (Chairman), Ingalls, Hoar, Wilson of Iowa, Evarts, Pugh, Coke, Best, and George. Outside of the Supreme Court itself, President Wilson could hardly find higher recognized authority for the position which he has taken respecting the unconstitutionality of the Gompers Bill; but if he would fortify himself further he can do so by turning to the *Congressional Record* for 1901. On June 2, 1900, the House of Representatives adopted the following Amendment to section 7 of the Sherman Act:

That nothing in this act shall be so construed as to apply to labor-unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed.

The Bill was referred to the Committee on Judiciary of the Senate, and on February 21, 1901, Senator Spooner made the following statement in debate:

This Bill passed the House. After it was reported by the Senator from Massachusetts to the committee, with every clause of it stricken out which came from the House, except the proposed amendment as to labor organizations, we had three meetings of that committee devoted to no other subject, at which we talked over, as lawyers do and as lawyers should, the constitutional phases of this legislation frankly and fairly; and I have not heard any man, with perhaps one exception, in that committee express his approval of this Bill—only one.

Simultaneously Senator Hoar recounted this experience:

There is a further provision that no labor organization or association shall be liable under the Act to which this is an addition. I gave, as chairman of the committee, several full hearings to the representatives of the labor organizations of the country who were interested in promoting this legislation, and also to the representatives of that great organization, the Brotherhood of Locomotive Engineers, and they agreed with me, all of them, that these objections were well taken and that the legislation ought not to pass.

The interesting question immediately arises: Were those representatives of the intelligent Brotherhood of Locomotive

Engineers and other labor organizations right then, or is Mr. Gompers right now? To our mind there is no question. What labor wants and all it wants, what it needs and all it needs, what it can profit from and all it can profit from, is equality, not special privilege; justice, not undue advantage. History proves clearly enough that capital not only can always care for itself, but that it thrives best upon uneven opportunities afforded by uneven statutes. One has but to look to England to see who are the real gainers from centuries of class control and class legislation. And one need only contrast the condition of our own steadily progressing, improving American working-men with that of stolid, sodden foreign laborers to realize the advantages derived from free and *equal* government.

It is but natural that Mr. Gompers should regard the warfare of classes as a normal condition and the domination of one over others, by whatever means acquired, as essential to its well-being. In that respect he differs from no other English-born, high or low, in whose very bones is bred the spirit of class rivalry and class seeking of class advantage. But in America still lives and rules the mighty force of intelligent and just-minded Public Opinion, whose disapproval no unduly grasping aggregation of segregated interests, whether of capital, labor, religion, or sect, can withstand for long. No one group could ever hope to check the overreaching of greed and compel the revision of perspectives which has been wrought during the past few years by the whole people. Let Labor grasp unequal power and arrogate to itself exceptional privileges as Capital did under the dying generation, and Labor will surely pay a yet heavier penalty, because Labor lacks the accumulated resource of Capital.

"Mr. President," asked Senator McCumber of the great agricultural State of North Dakota, "what benefit will the farmers receive from this exemption? I have not heard of any of them who ever asked for it. We now produce beyond our home consumption in all lines of agricultural products. I do not know of any method by which we can greatly enhance the value of our property or what we have to sell by any character of an organization, so long as you place us in open competition with the whole world. We may derive some benefit from an organization which educates and advises in reference to the law of supply and demand. We

can accomplish very much in that respect, and I am one who is heartily in favor of agricultural organization for that particular purpose, and to do any other lawful act to enhance the value of their products, but I anticipate that no agricultural organization would ever ask the right to be exempted or be protected if they attempted to do a thing for which they could be prosecuted. I admit the right of the farmers to organize as much as possible to determine what kind of crops it would be best for them to raise in a single year, but I deny the right of any one of that organization to insist upon either a boycott or a night-rider's raid against the farmer who does not see fit to follow its particular advice along that line, and I do not believe the American farmer is asking for any privilege that is not extended to every other American citizen."

"We reaffirm the principles of Democratic government formulated by Thomas Jefferson," declared the Baltimore Convention; and the one great, vital principle enunciated by the founder of Democracy was "Equal and exact justice to all men." Upon that solid rock President Wilson has taken his stand, and he will surely triumph if the country can be aroused to the pressing need of rallying to his support. But let there be no underestimate of the power of the forces arrayed behind Mr. Gompers! The danger that even a veto might not avail is indicated by the fact that the vote in the House of Representatives to override President Taft was 264 ayes to 48 nays.

It is high time that Public Opinion should make itself manifest with increasing vigor, as between the class rule of England and the equal government of America, as between the false guidance of Samuel Gompers and the true leadership of Woodrow Wilson.

Our appeal is to the Press and to the people.

THE WHOLE TRUTH ABOUT MR. LEAVELL

SPEAKING of "The Diplomats of Democracy" in the February REVIEW, we referred to the new Minister to Guatemala as "the Rev. William H. Lovell, of Austin, Texas, a Baptist minister aged sixty-three." The *Houston Post* promptly and somewhat curtly declared that the diplomat's real name was Leavell instead of Lovell, that he was a

resident of Mississippi and a Presbyterian, not a Baptist, and "never resided in Austin in his life." Whereupon, accepting the assurance of our well-known contemporary without question, we proffered suitable apology for the inadvertent, though hardly momentous, inaccuracy and proceeded on our way.

But the end was not yet. A semi-official communication arrived presently from His Excellency himself. It was dated "Legation of the United States of America, Guatemala," bore a fine picture of the American eagle surmounted by "E Pluribus Unum," and read as follows:

DEAR SIR,—I do not mean to complain that it is only by a hair's-breadth I narrowly escape, if I do escape, being included in your "galaxy of incompetents"—the newly appointed "Diplomats of Democracy" in Latin America—for one man's opinion of the ability and equipment of another is neither necessarily nor invariably true; and if the two men are not personally known to each other that opinion is not likely to be true at all. But I do wish to say to you that if in your references to the other diplomatic appointments in this section of the world you are as inaccurate as you are in the reference made to this Mission, you would do well to augment and strengthen your "*endeavor*" "to speak the exact truth and draw exact conclusions," and render it more effective.

As one who read after you with delight so many years while you were editing *Harper's Weekly*, and who subscribed to THE NORTH AMERICAN REVIEW wholly because of the announcement that your editorials would appear regularly in that journal, I wish, most regretfully, to say that I agree with the friend whose appeal you deny. I desire also to make record of my distress that you should persistently indulge in just the sort of unfriendly criticism of President Wilson which too often disfigures the editorial section of the REVIEW. You are making the impression on not a few of your readers that you are rather more than anxious to find fault with the present Administration.

I am very truly yours,

WM. HAYNE LEAVELL.

While appreciating His Excellency's kind words, regretting his inability to perceive the difference between helpful and "unfriendly" criticism, and making further record to the effect that his distress was not comparable to our own, we were still wondering why the specific inaccuracies were not noted, when along came the following letter from Representative John Jacob Rogers, of Massachusetts, member of the Committee on Foreign Affairs:

DEAR SIR,—On page 508 of THE NORTH AMERICAN REVIEW for April I observe that you quote a criticism directed by the *Houston Post* against your February editorial on the diplomatic service. This criticism, after referring to two typographical errors in your article, states: "Rev.

William Haynes Leavell . . . never resided in Austin in his life." Commenting on this you say, "We have no doubt that the *Houston Post* . . . speaks with knowledge." The fact is, however, that you were originally entirely right in your statement and the *Houston Post* is entirely wrong in its attempted correction. On page 86 of the Official Register of the Department of State, issued November 10, 1913, appears an authorized sketch of Mr. Leavell, in the course of which it is stated that he "served as a Director and President, Board of Presbyterian Theological Seminary, Austin, Texas, and of Austin College." Indeed, if the chronological arrangement of this sketch is correct, his service in Austin immediately preceded his appointment as Minister to Guatemala. You were, of course, indicating that Mr. Leavell owed his appointment either to Colonel House or to the Postmaster-General, both residents of Austin. The would-be contradiction of the *Houston Post* deals, with this exception, with trifling typographical mistakes; and in this particular criticism, which perhaps might be said to go more or less to the essence, that newspaper is entirely mistaken. If your striking arraignment of the diplomatic service can be arraigned only typographically, the substance of it only stands the firmer.

Very truly yours,

JOHN JACOB ROGERS.

Simultaneously we received a communication from Mr. J. R. Bingham, proprietor of Bingham's One-Price Cash Store of Carrollton, Mississippi, sarcastically lamenting our unhappy incapacity to state "exact facts" and saying emphatically that Houston, not Austin, was once His Excellency's home; that if he knew Assistant-President House at all it was "chiefly by his reputation," which, by the way, is very good indeed; and that "the United States never had at any court a representative who in character, in ability, and in accomplishments was superior to Minister Leavell." Further inquiry of Mr. Bingham elicited the following response by telegraph:

Baptist minister, Jackson, Mississippi, and New York City. While Baptist pastor in Manchester became Congregationalist. Congregationalist in Boston. Ten years Presbyterian in Meridian. Ten years Presbyterian in Texas. Eight years retired in Carrollton.

The record is now, we think, complete, and we have pleasure in submitting it for public approval. The fact, of course, is that we passed no reflection upon either the ability or the character of Mr. Leavell; we merely questioned his comparative fitness to succeed a diplomat who had been in the service fourteen years. Assuredly he has no place in our "galaxy of incompetents." In one respect, at any rate, his experience is unsurpassed. He certainly has been more kinds of a Minister than anybody we ever heard of.

So, while gently admonishing Colonel R. M. Johnston and

Mr. George Bailey, proprietor and editor, respectively, of the *Houston Post*, that it is unbecoming of a public journal to impose half-truths upon a trusting contemporary, we return His Excellency's compliments and cordially join with him in the hope that presently all acts of the present Administration will merit commendation.

COMMENT

WE perceive no basis in Ambassador (W. H.) Page's remarks to the Royal Literary Fund for the *Tribune's* conclusion that "whatever Ambassador Page represents on any given public occasion, whether country or section or craft or business, that country or section or craft or business may confidently expect him to raise a laugh at its expense." What he said was this:

From the viewpoint of mere barn-yard gumption it is absurd for anybody to start to spend his life writing. Gambling is more likely to yield a steady income. It is an absurd career and a foolish, foolhardy business. No man has a right to take it up who can avoid doing so.

The *Tribune* finds it "interesting to trace herein the identical vein of humor which led the Ambassador into his recent indiscretion concerning the Panama Canal, which prompted him to tell his fellow magazine editors and publishers, on the occasion of their dinner in his honor before he embarked for England, that he hoped on his return there would be fewer of them, and which tinges the utterances in his book, *The Southerner*, so distasteful to Senator Bacon, of Georgia," and adds that "it is perhaps as good a tribute as any to the sense of humor possessed by the majority of his countrymen that Dr. Page's propensities in this direction do not more seriously interfere with his usefulness as Ambassador."

Our own view is that it is the *Tribune* that betrays inexpertness in forming discriminative judgment of native wit or "exquisite irony," as the *Sun* also mistakenly calls it. Both external and internal evidences clearly impel the inference that the Ambassador was speaking with the utmost seriousness. We believe he was; anyhow, we guess he was. Of the correctness of his opinion we feel less certain. Gambling is commonly reckoned a somewhat hazardous pursuit, but writing, too, is notoriously unproductive, especially

writing in a barn-yard. Upon the whole—well, perhaps after all—a joke—not a joke—not a joke—a joke? Let the Secretary of State decide.

Speaking of "The Diplomats of Democracy," our new Minister to Norway, the Hon. Albert Schmedeman, although a prosperous dealer in gents' furnishing goods and "a power in Democratic politics in Madison, Wis.," lacked proficiency in the language of the country to which he was assigned and prudently engaged Mr. Hallward T. Askeland, of Minneapolis, to act as private secretary. In due time Mr. Askeland started for Christiania, accompanied by his wife and daughter Ruth, but, alas! when he got there the cupboard was occupied. The Secretary of State had seen to that, so there was nothing for His Excellency to do but inform Mr. Askeland that there was "nothing for him to do." He admitted, however, that "the situation was painful" and offered to obtain tickets to the King's ball for the entire family. But even these did not arrive, and now, according to the Minneapolis *Tribune*, the Norwegian-Americans of the Northwest are threatening to bolt the Democratic ticket. It is an unfortuitous circumstance just at this time, and we trust that Secretary Bryan will mediate promptly for the sake of peace and the party. Why could not His Excellency give Mr. Askeland a place in the store?

Colonel George Harvey has picked Senator Borah as sure to be the Republican candidate for President of the United States. But the Senator from Idaho has quashed that programme. No man who declares that "once our flag goes up in Mexico it will never come down" is fit to sit in the White House.—*Springfield Republican*.

Senator Borah, according to our understanding, expressed an opinion, not a hope signifying a policy. Incidentally, "the flag is still there."

We now know whom to thank for saving the country from the relentless Huerta, through the intervention of the A B C mediators, just when those amateur statesmen, the President and the Secretary of State, had put it at the mercy of the Mexican tyrant by driving him out of Vera Cruz. The modest director-general of the Pan-American Union was the man who did it, and to whom the incompetent Wilson and the brainless Bryan should be at this moment on their knees, moistening his Pan-American shoes with their tears of gratitude.—*Baltimore Sun*.

It is, we believe, a fact that Mr. Barrett did suggest the form of mediation finally adopted more than a year ago. Inasmuch, moreover, as the accepted proposal came from Pan-American diplomats, there is ample reason to infer that it was appropriated quite naturally and properly. Why Mr. Barrett should be ridiculed for originating a plan which obviously brought intense relief to the President passes comprehension. It was not he who pronounced this Administration an aggregation of amateurs; it was, according to common report, the distinguished President of Harvard University.

The prophecy that Roosevelt will be the Presidential nominee of the Progressives and the Republicans in 1916 is still being repeated, and, apparently, is finding a few believers. If that should happen it would be painful to witness the efforts of a number of esteemed Republican spellbinders to revise the campaign speeches they made in 1912.—*The Commoner*.

We suspect that other aspects of the situation might be even more painful to some.

"The Senator from Rhode Island seems to think our course at Vera Cruz was not right," said Senator Stone. "I will say to him that the whole country approved of that action, except, perhaps, the Senator himself. The Senator lamented the loss of the lives of Americans, but charged our men with taking the lives of two hundred innocent Mexicans. Think of that! Innocent Mexicans—snipers, who were making war on our soldiers against all the rules of civilized warfare."—*Press report*.

Let us see! Did not the British file a similar complaint against our snipers at Lexington, Massachusetts?

Colonel Harvey is, of course, the Great American Adviser, nevertheless his advice to the President to recognize Huerta as the Constitutional President of Mexico did seem a little belated when published in the April number of THE NORTH AMERICAN REVIEW and republished in the *Congressional Record* of April 21.—*Harper's Weekly*.

In the *December* number, child.

First-Son-in-law Francis B. Sayre read this reassuring message to the Kansas City Commercial Club:

Please give the interesting young gentlemen associated with you tonight my most hearty greetings and congratulate them that they start at

the threshold of a period of better and greater business development than this country has ever seen, conducted along lines of freedom and efficiency.

WOODROW WILSON.

It is good news; better yet would be the assurance that they will cross the threshold before the Congressional elections take place.

As we write, the Colonel is upon the high seas homeward bound and reported to be boiling. Unless all signs and precedents go awry, we shall not lack a theme for animated discourse next month. That is well. Politics is becoming as dull as business. But wait until the Progressives, like the discovered rivers, begin to run up-hill!

We are relieved to learn from the *Commoner* that "Secretary Bryan is the originator of our policy of 'watchful waiting'"; also that he is "not unmindful of the obligations which accompany his position and which involve the power and dignity of the United States."

We infer, from the report that Ambassador Penfield has rented his gorgeous establishment for three years, that no string was attached to his appointment.

If Colonel Harvey of THE NORTH AMERICAN REVIEW wishes us to keep track of where he is at he ought to bring out the REVIEW in a weekly edition.—*St. Louis Globe-Democrat*.
Why not, now, really?—MR. HARVEY, in THE NORTH AMERICAN REVIEW for May.

If this laconic sentence from Mr. Harvey really forecasts the launching of a new weekly, it will be good news to thousands of people in the United States who came to know his brilliant writings when he was editor of *Harper's Weekly*. There is no writer in America to-day who is his peer in analyzing and criticizing men and events, no writer who has a finer quality of wit and humor, as his editorials reveal. There is something French in the incisiveness of his mind, but something essentially American and Anglo-Saxon in his virility and fearlessness as a commentator on political affairs. Even with the field already pretty well filled, a weekly conducted by Colonel Harvey should be a success from the first.—*St. Louis Pioneer Press*.

Should be, but wasn't.

MONROE DOCTRINE FUNDAMENTALS

BY PROFESSOR THEODORE S. WOOLSEY

THE Monroe Doctrine in its ninety years of life has been so overlaid with comment and so modified and enlarged in development that we are apt to lose sight of its real and fundamental character. By studying its essential nature, by appreciating upon what it is founded and how it is limited, perhaps we may form a juster sense of its usefulness, its meaning, its legality. But before all and throughout all we must keep in mind that it is a policy, not a law, municipal or international. The distinctions between policy and law are wide and vital; here are certain of them.

A nation's policy is unilateral. Though affecting other states, it is formed without their consent: it may therefore be changed without reference to their wishes. Germany has adopted a naval programme, that is, a policy of building up an important navy, without consulting Great Britain. The United States determined to dig a Panama Canal itself, without getting the consent of other commercial powers except that of England, which had been given a veto of such action by treaty.

A nation's policy is changeable as self-interest dictates. Thus France, a few years ago, nagged England wherever their interests met, by a policy of pin-pricks; then, after her Russian ally proved a broken reed, changed attitude and welcomed England to the Triple Entente—all within a decade.

Policy imposes no continuous obligation upon a state. We here in America are quite accustomed to have the action of one Administration disavowed by the next. Our financial attitude toward China under President Taft and again under President Wilson is an instance.

Policy is based upon considerations which are selfish rather than altruistic. This is because the state, like any

other incorporate body, has a fiduciary duty toward its subjects which forbids the sacrifice of their interests for the sake of another state.

In all these aspects policy and law differ. A rule of international law comes into being in the last analysis by the common consent of nations. It cannot be created, though it may be suggested, by a single power. Great Britain's maritime strength backed by her administrative and judicial attitude, somewhat more than a century ago, asserted a right to impress seamen out of neutral vessels on the high seas—i. e., to enforce a municipal statute outside of British jurisdiction. Unwarranted by the consent of other states, this practice, though persisted in for years, never became law and finally lapsed. A law is universal, not unilateral; it is fixed, not changeable unless changed by the consent of those who framed it; it is binding upon a state even if damaging to that state's interests; it is neither selfish nor altruistic because, once having become operative, no question of self or of interest enters into it. Bearing in mind these distinctions, it remains to show that the Monroe Doctrine has always remained what it was at its inception, a policy. The proof is twofold. First no international agreement can be found which converts it from policy into law. Secondly, there has not come about such acquiescence in it as to change its nature. The first statement is a matter of record and is perfectly clear. The second may be doubted. As examples of an opinion contrary to the above an article in *THE NORTH AMERICAN REVIEW* for 1903, by Mr. Scruggs, may be quoted, also the reference in Cleveland's Venezuelan Message.

Mr. Scruggs argues thus. "Not one of the European Powers has ever entered formal protest against it; on the contrary, all have acquiesced in it and thus tacitly assented to it. It is therefore a valid part of the public law of this continent, and until abandoned by us or until formally challenged by Europe or until modified or abrogated by public treaty, it will continue to be recognized as part of the International Code of the Christian world."

And Mr. Cleveland said in reply to Lord Salisbury's objection: "It may not have been admitted in so many words to the Code of International Law, but since in international councils every nation is entitled to the rights belonging to it, if the enforcement of the Monroe Doctrine is something we may justly claim, it has its place in the Code of Inter-

national Law as certainly and as securely as if it were specifically mentioned." The first writer refutes himself, for in the same breath he calls the Doctrine law, yet says we can abandon it; the second expresses himself too vaguely for specific refutation. It is enough to say in reply that the right of the United States to surrender and escape from the Monroe Doctrine or to alter it at will is admitted by every one. If it were a law it could not be escaped from without the assent of those accepting and framing it. To say that it can become a law by mere acquiescence and then be abrogated or modified by the *ex parte* act of one state, is to have a loose and mistaken idea of the nature of the law of nations. Hence when a writer asserts that the Monroe Doctrine is an "obsolete shibboleth" he simply means that it is a policy which has outgrown its usefulness, and, not being law, can be and should be given up, which is a perfectly legitimate argument.

There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. For the sake of coherence and completeness they are stated together here and then examined separately.

I. The Monroe Doctrine was a statement of policy, originated and maintained by reason of self-interest, not of altruism.

II. It was justifiable by reason of the right of self-defense (which *is* a recognized principle of International Law).

III. It called no new *rights* into being, therefore whenever it oversteps the principle of self-defense reasonably interpreted, the right disappears and the policy is questionable because it then violates the rights of others.

I. The Monroe Doctrine dictated by self-interest. The circumstances which called the Monroe Doctrine into being are too familiar to need repetition. But the underlying motive in it may not be so clear. This had nothing to do with fear of enhancement of Spanish power in Europe which was incidentally struck at, because in the same message the United States was made to disclaim all European ambitions. "Our policy in regard to Europe which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is not to interfere in the internal concerns of any of its powers."

Nor was it designed primarily to aid the Latin-American states in winning their independence or to preserve that in-

dependence if already won. If, however, Spain should recover her American possessions by the help of her European backers (apostles of absolutism), she would become a menace to the United States upon this continent.

“ With the existing colonies or dependencies of any European Power,” said Mr. Monroe, “ we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European Power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which in the judgment of the competent authorities of this Government shall make a corresponding change on the part of the United States indispensable to their security.”

And later in the message came this other reference to the South-American states: “ If we look to the comparative strength and resources of Spain and those new governments and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other parties will pursue the same course.”

The policy then was one of neutrality, of “ leaving the parties to themselves ” so far as Spain was concerned, which would not have been the case had the United States desired primarily to help them.

But when intervention was threatened by certain great Powers in behalf of Spain, then indeed was there evidence of “ an unfriendly disposition toward the United States.” This idea was amplified thus: “ It is impossible that the allied Powers should extend their political system to any portion of either [American] continent without endangering our peace and happiness.” And again: “ We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.”

Seventy years later, President Cleveland in his Venezuelan message asserted the same principle in much the same language. "Without attempting extended argument in reply to these positions it may not be amiss to suggest that the doctrine upon which we stand is strong and sound, because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government."

Incidentally, no doubt, the Monroe policy safeguarded Latin America, but its prime object was to protect the United States; it was entered into from motives of self-interest, not of altruism. Neither ethical reasons nor legal reasons, therefore, stand in the way of its alteration or abrogation if a changed policy so wills.

II. The Monroe Doctrine is based upon the right of self-defense.

This is the first law of nations as of individuals. A few sentences are quoted almost at random from a recent and very sound authority, Professor Hershey, to show the nature of this right.

"The right of self-preservation takes precedence in a sense of all other rights and duties and is more than a right in the ordinary use of this term. . . . A state has unquestionably the right under modern conditions to make such preparations and to take such measures as it may deem necessary for its own safety and defense, but it has no right to make a disposition of its forces or assume an attitude threatening to the existence or safety of another state." . . .

"The right of self-preservation includes the right to preserve the integrity and inviolability of its territory with the corresponding duty of respecting that of other states."

It is upon this right of self-defense that the balance of power principle was based, as well as the balancing of alliances, which is its modern substitute. But the danger which warrants action must threaten national territory or national life or the integrity of a nation's institutions. It must be real and serious, not a mere blow at commercial interests or political prestige. And if we study again the language of Monroe's message we shall see how real the menace to the existence of the United States and of its institutions was, which he believed he was combating. "Dangerous to our peace and safety," "endangering our peace and happiness."

These are the words by which Monroe characterized the proposed intervention of the Holy Alliance in this hemisphere. Such language we should use to-day were a great European Power to seize Cuba, or a great Oriental Power a slice of Lower California.

There are two lines of reasoning to show that self-defense was and is the principle upon which the Monroe Doctrine rests. The first is that upon subsequent declarations of it, this principle has been adhered to and restated in language the most explicit. Examine again the Venezuelan version in 1895. President Cleveland objected to British encroachment upon Venezuela because (in words already quoted) it threatened "our peace and safety as a nation"; because it endangered "the integrity of our free institutions"; because it jeopardized "the tranquil maintenance of our distinctive form of government." Every argument tending to show that the policy was not altruistic proves also, looking at the obverse of the medal, that it must have been based upon the idea and desire of self-protection.

The second proof of our contention is that there exists no other principle upon which the Doctrine can be founded.

Notice what the Monroe Doctrine involved. It met a policy of intervention by a warning of "hands off." It set a limit upon the freedom of action of a friendly Power. In other words, it denied the full sovereignty of that Power. Such a denial of a fundamental right can only be justified by reason of some principle equally fundamental. There is no such principle except that of self-defense. Here was no claim to intervene on the score of outraged humanity as in Greece or Cuba; nor was there any question of international police power such as in southeastern Europe has attempted to justify its interferences, though this in fact is itself dictated by fear, is itself a case of self-defense. The United States, warned by its somewhat sympathetic friends abroad that a plan was on foot to crush the Latin-American republics and restore them to Spain, their former sovereign, realized the danger to itself, announced that it was a danger, and stopped the plan by a public protest. It acted in defense of vital interests; one can hardly reiterate the fact too often.

III. The Monroe Doctrine called no new *rights* into existence.

Here is the opportunity for much loose thinking. Be-

cause the Doctrine, as a policy, has taken on new forms, has been altered, expanded, developed like the opportunist thing which it is, we are apt to forget that its fundamental base remains and must remain unaltered. It is indeed a paradox that the stronger we have become as a nation, the less we need to fear any power or to consider any principle of self-defense, so much the more broadly has the policy been construed. Whether this expanded policy is justified or unjustifiable is not here discussed. It is the legal right, the basic principle, not the policy of the Doctrine, which is under examination. Whatever becomes of the policy, whether it be expanded or be surrendered, whatever the power of a great state may read into it, the principle upon which it is based remains unchanged. A policy guiding one state and asquiesced in by others may readily change. A law of nations, except with the consent and by the act of all states, does not change. We may, however, well remember that if a right is pushed beyond its reasonable and logical limits, it becomes an aggression upon the rights of others. A policy, therefore, has its limitations. They are reached when the rights of others are violated. By the Ashburton treaty of 1842, disputed territory in northern Maine was by compromise divided between Great Britain and the United States. No one thought the Monroe Doctrine violated, though it meant a gain of territory upon this continent by a European Power and at our very doors. It is reasonable, therefore, to ask for proof that a somewhat similar struggle for territory by the same Power in distant Venezuela, in 1895, was a violation of the Doctrine, was a real danger to *our* safety and to *our* institutions as Cleveland said it was. As a policy, submitted to, by a nation desirous of our good will, it may be defended; as the exercise of a right, not so easily, because the basic principle was probably exceeded and thereby British rights invaded.

This is a single illustration of what seems to the writer a self-evident proposition. If a state pushes its action beyond the rights, reasonably interpreted, upon which that action is based, then *ipso facto*, an aggression has been committed upon some other state's rights, just as truly as one army crossing its own frontier invades a neighbor's territory. There is no middle ground. And inasmuch as rights are based upon law, without a change in the law there can be no expansion of rights.

The Monroe Doctrine thus is to be regarded from a two-fold point of view: as a policy meaning and accomplishing what other states submit to, and what seems to the United States useful: as a measure of self-defense which cannot be pushed beyond the facts calling for self-defense and yet be legally justifiable.

The writer does not desire to call in question the development of the Monroe Doctrine. That it has greatly changed in course of time is patent to every one. As now ordinarily interpreted it denies to a European Power, under any pretext, fresh acquisition of territory upon the American hemisphere. If European Powers put up with this policy, well and good. If the Latin-American states resent the air of superiority implied in this interpretation, that is a phase of the policy which must be taken into account. If the responsibility which the United States unconsciously assumes for the actions of its neighbors becomes a burden and a danger, that too is a factor. The only purpose of the present argument is to call fresh attention to the fundamental basis of the Doctrine and to its legal, not its practical, limitations, with the thought in mind, however, that no civilized state, the United States least of all, would care to gain the reputation of unscrupulousness in its observance of International Law.

THEODORE S. WOOLSEY.

THE REAL MONROE DOCTRINE

BY THE HONORABLE ELIHU ROOT, UNITED STATES SENATOR

WE are all familiar with President Monroe's famous message of December 2, 1823:

The occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Powers. . . .

In the wars of the European Powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected and by causes which must be obvious to all enlightened and impartial observers.

We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between these new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security. . . .

It is impossible that the allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.

The occasion for these declarations is a familiar story: The revolt of the Spanish provinces in America which Spain, unaided, was plainly unable to reduce to their former condition of dependence; the reaction against liberalism in Europe which followed the downfall of Napoleon and the restoration of the Bourbons to the throne of France; the formation of the Holy Alliance; the Agreement of its members at the Conferences of Aix-la-Chapelle and Laybach and Verona for the insurance of Monarchy against revolution; the restoration of Ferdinand the Seventh to the throne of Spain by the armed power of France pursuant to this agreement; the purpose of the Alliance to follow the restoration of monarchy in Spain by the restoration of that monarchy's control over its colonies in the New World; the claims both of Russia and of Great Britain to rights of colonization on the Northwest coast; the proposals of Mr. Canning to Richard Rush for a joint declaration of principles by England and the United States adverse to the interference of any other European Power in the contest between Spain and her former colonies; the serious question raised by this proposal as to the effect of a joint declaration upon the American policy of avoiding entangling alliances.

The form and phrasing of President Monroe's message were adapted to meet these conditions. The statements made were intended to carry specific information to the members of the Holy Alliance that an attempt by any of them to coerce the new states of South America would be not a simple expedition against weak and disunited colonies, but the much more difficult and expensive task of dealing with the formidable maritime power of the United States as well as the opposition of England, and they were intended to carry to Russia and incidentally to England the idea that rights to territory in the New World must thenceforth rest upon then existing titles, and that the United States would dispute any attempt to create rights to territory by future occupation.

It is undoubtedly true that the specific occasions for the declaration of Monroe no longer exist. The Holy Alliance long ago disappeared. The nations of Europe no longer contemplate the vindication of monarchical principles in the territory of the New World. France, the most active of the Allies, is herself a republic. No nation longer asserts the right of colonization in America. The general establish-

ment of diplomatic relations between the Powers of Europe and the American republics, if not already universal, became so when, pursuant to the formal assent of the Powers, all the American republics were received into the Second Conference at The Hague and joined in the conventions there made, upon the footing of equal sovereignty, entitled to have their territory and independence respected under that law of nations which formerly existed for Europe alone.

The declaration, however, did more than deal with the specific occasion which called it forth. It was intended to declare a general principle for the future, and this is plain not merely from the generality of the terms used, but from the discussions out of which they arose and from the understanding of the men who took part in the making and of their successors.

When Jefferson was consulted by President Monroe before the message was sent he replied:

The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation; this sets our compass and points the course which we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cisatlantic affairs.

Three years later Daniel Webster declared that the Doctrine involved the honor of the country. He said in the House of Representatives:

I look upon it as a part of its treasures of reputation; and, for one, I intend to guard it. . . . I will neither help to erase it nor tear it out; nor shall it be, by any act of mine, blurred or blotted. It did honor to the sagacity of the government, and will not diminish that honor.

Mr. Cleveland said in his Message of December 17, 1895:

The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life and cannot become obsolete while our republic endures.

As the particular occasions which called it forth have slipped back into history, the Declaration itself, instead of

being handed over to the historian, has grown continually a more vital and insistent rule of conduct for each succeeding generation of Americans. Never for a moment have the responsible and instructed statesmen in charge of the foreign affairs of the United States failed to consider themselves bound to insist upon its policy. Never once has the public opinion of the people of the United States failed to support every just application of it as new occasion has arisen. Almost every President and Secretary of State has restated the Doctrine with vigor and emphasis in the discussion of the diplomatic affairs of his day. The Governments of Europe have gradually come to realize that the existence of the policy which Monroe declared is a stubborn and continuing fact to be recognized in their controversies with American countries. We have seen Spain, France, England, Germany, with admirable good sense and good temper, explaining beforehand to the United States that they intended no permanent occupation of territory, in the controversy with Mexico forty years after the Declaration, and in the controversy with Venezuela eighty years after. In 1903 the Duke of Devonshire declared "Great Britain accepts the Monroe Doctrine unreservedly." Mr. Hay coupled the Monroe Doctrine and the Golden Rule as cardinal guides of American diplomacy. Twice within very recent years the whole treaty-making power of the United States has given its formal approval to the policy by the reservations in the signature and in the ratification of the Arbitration Conventions of The Hague Conferences, expressed in these words by the Senate resolution agreeing to ratification of the Convention of 1907:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state, nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude towards purely American questions.

It seems fair to assume that a policy with such a history as this has some continuing and substantial reason underlying it; that it is not outworn or meaningless or a purely formal relic of the past, and it seems worth while to consider carefully what the Doctrine is and what it is not.

No one ever pretended that Mr. Monroe was declaring a

rule of international law or that the Doctrine which he declared has become international law. It is a declaration of the United States that certain acts would be injurious to the peace and safety of the United States, and that the United States would regard them as unfriendly. The Declaration does not say what the course of the United States will be in case such acts are done. That is left to be determined in each particular instance. Mr. Calhoun said, in the Senate debate on the Yucatan Bill, in 1848:

Whether you will resist or not and the measure of your resistance—whether it shall be by negotiation, remonstrance, or some intermediate measure or by a resort to arms; all this must be determined and decided on the merits of the question itself. This is the only wise course. . . . There are cases of interposition where I would resort to the hazard of war with all its calamities. Am I asked for one? I will answer. I designate the case of Cuba.

In particular instances, indeed, the course which the United States would follow has been very distinctly declared, as when Mr. Seward said, in 1865:

It has been the President's purpose that France should be respectfully informed upon two points: namely, first, that the United States earnestly desires to continue and to cultivate sincere friendship with France. Secondly, that this policy would be brought in imminent jeopardy unless France could deem it consistent with her honor to desist from the prosecution of armed intervention in Mexico to overthrow the domestic republican government existing there and to establish upon its ruins the foreign monarchy which has been attempted to be inaugurated in the capital of that country.

So Secretary Buchanan said, in 1848:

The highest and first duty of every independent nation is to provide for its own safety; and acting upon this principle, we should be compelled to resist the acquisition of Cuba by any powerful maritime State, with all means which Providence has placed at our command.

And Secretary Clayton said, in 1849:

The news of the cession of Cuba to any foreign power would in the United States be the instant signal for war. No foreign power would attempt to take it that did not expect a hostile collision with us as an inevitable consequence.

The Doctrine is not international law, but it rests upon the right of self-protection, and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise

of the right of self-protection may and frequently does extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it. The strongest example probably would be the mobilization of an army by another power immediately across the frontier. Every act done by the other power may be within its own territory. Yet the country threatened by the state of facts is justified in protecting itself by immediate war. The most common exercise of the right of self-protection outside of a state's own territory and in time of peace is the interposition of objection to the occupation of territory, of points of strategic military or maritime advantage, or to indirect accomplishment of this effect by dynastic arrangement. For example, the objection of England in 1911 to the occupation of a naval station by Germany on the Atlantic Coast of Morocco; the objection of the European Powers generally to the vast force of Russia extending its territory to the Mediterranean; the revision of the Treaty of San Stefano by the Treaty of Berlin; the establishment of buffer states; the objection to the succession of a German prince to the throne of Spain; the many forms of the Eastern Question; the centuries of struggle to preserve the balance of power in Europe—all depend upon the very same principle which underlies the Monroe Doctrine; that is to say, upon the right of every sovereign state to protect itself by preventing a condition of affairs in which it will be too late to protect itself. Of course each state must judge for itself when a threatened act will create such a situation. If any state objects to a threatened act and the reasonableness of its objection is not assented to, the efficacy of the objection will depend upon the power behind it.

It is doubtless true that in the adherence of the American people to the original Declaration there was a great element of sentiment and of sympathy for the people of South America who were struggling for freedom, and it has been a source of great satisfaction to the United States that the course which it took in 1823 concurrently with the action of Great Britain played so great a part in assuring the right of self-government to the countries of South America. Yet it is to be observed that in reference to the South-American governments as in all other respects, the international right upon which the Declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States.

It is because the new governments cannot be overthrown by the allied Powers "without endangering our peace and happiness"; that "the United States cannot behold such interposition in any form with indifference."

We frequently see statements that the Doctrine has been changed or enlarged; that there is a new or different Doctrine since Monroe's time. They are mistaken. There has been no change. One apparent extension of the statement of Monroe was made by President Polk in his messages of 1845 and 1848, when he included the acquisition of territory by a European Power through cession as dangerous to the safety of the United States. It was really but stating a corollary to the Doctrine of 1823 and asserting the same right of self-protection against the other American states as well as against Europe.

This corollary has been so long and uniformly agreed to by the Government and the people of the United States that it may fairly be regarded as being now a part of the Doctrine.

But, all assertions to the contrary notwithstanding, there has been no other change or enlargement of the Monroe Doctrine since it was first promulgated. It must be remembered that not everything said or written by Secretaries of State or even by Presidents constitutes a national policy or can enlarge or modify or diminish a national policy.

It is the substance of the thing to which the nation holds, and that is and always has been that the safety of the United States demands that American territory shall remain American.

The Monroe Doctrine does not assert or imply or involve any right on the part of the United States to impair or control the independent sovereignty of any American state. In the lives of nations, as of individuals, there are many rights unquestioned and universally conceded. The assertion of any particular right must be considered, not as excluding all others, but as coincident with all others which are not inconsistent. The fundamental principle of international law is the principle of independent sovereignty. Upon that all other rules of international law rest. That is the chief and necessary protection of the weak against the power of the strong. Observance of that is the necessary condition to the peace and order of the civilized world. By the declaration of that principle the common judgment of civilization awards to the smallest and weakest state the

liberty to control its own affairs without interference from any other power, however great.

The Monroe Doctrine does not infringe upon that right. It asserts the right. The declaration of Monroe was that the rights and interests of the United States were involved in maintaining a condition, and the condition to be maintained was the independence of all the American countries. It is "the free and independent condition which they have assumed and maintained" which is declared to render them not subject to future colonization. It is "the governments who have declared their independence and maintained it and whose independence we have on great consideration and on just principles acknowledged" that are not to be interfered with. When Mr. Canning's proposals for a joint declaration were under consideration by the Cabinet in the month before the famous message was sent, John Quincy Adams, who played the major part in forming the policy, declared the basis of it in these words:

Considering the South Americans as independent nations, they themselves and no other nation had the right to dispose of their condition. We have no right to dispose of them either alone or in conjunction with other nations. Neither have any other nations the right of disposing of them without their consent.

In the most critical and momentous application of the Doctrine Mr. Seward wrote to the French Minister:

France need not for a moment delay her promised withdrawal of military forces from Mexico and her putting the principle of non-intervention into full and complete practice in regard to Mexico through any apprehension that the United States will prove unfaithful to the principles and policy in that respect which on their behalf it has been my duty to maintain in this now very lengthened correspondence. The practice of this government from its beginning is a guarantee to all nations of the respect of the American people for the free sovereignty of the people in every other state. We received the instructions from Washington. We applied it sternly in our early intercourse even with France. The same principle and practice have been uniformly inculcated by all our statesmen, interpreted by all our jurists, maintained by all our Congresses, and acquiesced in without practical dissent on all occasions by the American people. It is in reality the chief element of foreign intercourse in our history.

In his message to Congress of December 3, 1906, President Roosevelt said:

In many parts of South America there has been much misunderstanding of the attitude and purposes of the United States toward the other Amer-

ican republics. An idea had become prevalent that our assertion of the Monroe Doctrine implied or carried with it an assumption of superiority and of a right to exercise some kind of protectorate over the countries to whose territory that Doctrine applies. Nothing could be farther from the truth.

He quoted the words of the Secretary of State then in office to the recent Pan-American Conference at Rio Janeiro:

We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guarantee of the weak against the oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American republic.

And the President then proceeded to say of these statements:

They have my hearty approval, as I am sure they will have yours, and I cannot be wrong in the conviction that they correctly represent the sentiments of the whole American people. I cannot better characterize the true attitude of the United States in its assertion of the Monroe Doctrine than in the words of the distinguished former Minister of Foreign Affairs of Argentina, Doctor Drago, ". . . the traditional policy of the United States, without accentuating superiority or seeking preponderance, condemned the oppression of the nations of this part of the world and the control of their destinies by the great Powers of Europe."

Curiously enough, many incidents and consequences of that independent condition itself which the United States asserted in the Monroe Doctrine have been regarded in some quarters as infringements upon independence resulting from the Monroe Doctrine. Just as the personal rights of each individual free citizen in the state are limited by the equal rights of every other free individual in the same state, so the sovereign rights of each independent state are limited by the equal sovereign rights of every other independent state. These limitations are not impairments of independent sovereignty. They are the necessary conditions to the existence of independent sovereignty. If the Monroe Doctrine had never been declared or thought of, the sovereign rights of each American republic would have been limited by the equal sovereign rights of every other American republic, including the United States. The United States would have had a right to demand from every other American state observance of treaty obligations and of the

rules of international law. It would have had the right to insist upon due protection for the lives and property of its citizens within the territory of every other American state, and upon the treatment of its citizens in that territory according to the rules of international law. The United States would have had the right as against every other American state to object to acts which the United States might deem injurious to its peace and safety, just as it had the right to object to such acts as against any European Power, and just as all European and American Powers have the right to object to such acts as against one another. All these rights which the United States would have had as against other American states it has now. They are not in the slightest degree affected by the Monroe Doctrine. They exist now just as they would have existed if there had been no Monroe Doctrine. They are neither greater nor less because of that Doctrine. They are not rights of superiority; they are rights of equality. They are the rights which all equal independent states have as against one another. And they cover the whole range of peace and war.

It happens, however, that the United States is very much bigger and more powerful than most of the other American republics. And when a very great and powerful state makes demands upon a very small and weak state it is difficult to avoid a feeling that there is an assumption of superior authority involved in the assertion of superior power, even though the demand be based solely upon the right of equal against equal. An examination of the various controversies which the United States has had with other American Powers will disclose the fact that in every case the rights asserted were rights not of superiority, but of equality. Of course, it cannot be claimed that great and powerful states shall forego their just rights against smaller and less powerful states. The responsibilities of sovereignty attach to the weak as well as to the strong, and a claim to exemption from those responsibilities would imply not equality, but inferiority. The most that can be said concerning a question between a powerful state and a weak one is that the great state ought to be especially considerate and gentle in the assertion and maintenance of its position; ought always to base its acts not upon a superiority of force, but upon reason and law; and ought to assert no rights against a small state because of its weakness which it would not assert

against a great state notwithstanding its power. But in all this the Monroe Doctrine is not concerned at all.

The scope of the Doctrine is strictly limited. It concerns itself only with the occupation of territory in the New World to the subversion or exclusion of a pre-existing American government. It has not otherwise any relation to the affairs of either American or European states. In good conduct or bad, observance of rights or violations of them, agreement or controversy, injury or reprisal, coercion or war, the United States finds no warrant in the Monroe Doctrine for interference. So Secretary Cass wrote, in 1858:

With respect to the causes of war between Spain and Mexico the United States have no concern, and do not undertake to judge them. Nor do they claim to interpose in any hostilities which may take place. Their policy of observation and interference is limited to the permanent subjugation of any portion of the territory of Mexico, or of any other American state, to any European power whatever.

So Mr. Seward wrote, in 1861, concerning the allied operations against Mexico:

As the undersigned has heretofore had the honor to inform each of the plenipotentiaries now addressed, the President does not feel at liberty to question, and does not question, that the sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to resort to war against Mexico for the redress thereof, and have a right also to levy the war severally or jointly.

So when Germany, Great Britain, and Italy united to compel by naval force a response to their demands on the part of Venezuela, and the German Government advised the United States that it proposed to take coercive measures to enforce its claims for damages and for money against Venezuela, adding, "We declare especially that under no circumstances do we consider in our proceedings the acquisition or permanent occupation of Venezuelan territory," Mr. Hay replied:

That the Government of the United States, although it regretted that European Powers should use force against Central and South American countries, could not object to their taking steps to obtain redress for injuries suffered by their subjects, provided that no acquisition of territory was contemplated.

Quite independently of the Monroe Doctrine, however, there is a rule of conduct among nations under which each nation is deemed bound to render the good offices of friend-

ship to the others when they are in trouble. The rule has been crystallized in the provisions of The Hague Convention for the pacific settlement of international disputes. Under the head of "The Maintenance of General Peace" in that Convention substantially all the Powers of the world have agreed:

With a view to obviating as far as possible recourse to force in the relations between states, the Contracting Powers agree to use their best efforts to insure the pacific settlement of international differences.

In case of serious disagreement or dispute, before an appeal to arms, the Contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

Independently of this recourse, the Contracting Powers deem it expedient and desirable that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance. . . . The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.

The United States has frequently performed this duty in controversies between American republics among themselves and between American republics and European states. So in the controversy last referred to, the United States used her good offices to bring about a series of arbitrations which superseded the resort of force determined upon by the allied Powers against Venezuela. She did this upon the request of Venezuela. She did it in the performance of no duty and the exercise of no right whatever except the duty and the right of friendship between equal sovereign states. The Monroe Doctrine has nothing whatever to do with acts of this description; yet many times censorious critics, unfamiliar with the facts and uninstructed in the customs and rules of action of the international world, have accused the United States in such cases of playing the rôle of schoolmaster, of assuming the superiority of guardianship, of aiming at a protectorate.

As the Monroe Doctrine neither asserts nor involves any right of control by the United States over any American nation, it imposes upon the United States no duty toward European Powers to exercise such a control. It does not call upon the United States to collect debts or coerce conduct or redress wrongs or revenge injuries. If matters ever come

to a point where in any American country the United States intervenes by force to prevent or end an occupation of territory to the subversion or exclusion of an American government, doubtless new rights and obligations will arise as a result of the acts done in the course of the intervention. Unless such a situation shall have arisen there can be no duty on the part of the United States beyond the exercise of good offices as between equal and independent nations.

There are, indeed, special reasons why the United States should perform that duty of equal friendship to the full limit of international custom and international ethics as declared in The Hague Convention, whenever occasion arises in controversy between American and European Powers. There is a motive for that in the special sympathy and friendship for the gradually developing republics of the South which the American people have always felt since the days of Monroe and John Quincy Adams and Richard Rush and Henry Clay. There is a motive in the strong desire of our Government that no controversy between a European and an American state shall ever come to the point where the United States may be obliged to assert by force the rule of national safety declared by Monroe. And there is a motive in the proper desire of the United States that no friendly nation of Europe or America shall be injured or hindered in the prosecution of its rights in any way or to any extent that can possibly be avoided because that nation respects the rule of safety which Mr. Monroe declared and we maintain. None of these reasons for the exercise of the good offices of equality justifies, nor do all of them together justify, the United States in infringing upon the independence or ignoring the equal rights of the smallest American state.

Nor has the United States ever in any instance during the period of almost a century which has elapsed made the Monroe Doctrine or the motives which lead us to support it the ground or excuse for overstepping the limits which the rights of equal sovereignty set between equal sovereign states.

Since the Monroe Doctrine is a declaration based upon this nation's right of self-protection, it cannot be transmuted into a joint or common declaration by American states or any number of them. If Chile or Argentina or Brazil were to contribute the weight of her influence toward

a similar end, the right upon which that nation would rest its declaration would be its own safety, not the safety of the United States. Chile would declare what was necessary for the safety of Chile. Argentina would declare what was necessary for the safety of Argentina. Brazil, what was necessary for the safety of Brazil. Each nation would act for itself and in its own right, and it would be impossible to go beyond that except by more or less offensive and defensive alliances. Of course, such alliances are not to be considered.

It is plain that the building of the Panama Canal greatly accentuates the practical necessity of the Monroe Doctrine as it applies to all the territory surrounding the Caribbean or near the Bay of Panama. The plainest lessons of history and the universal judgment of all responsible students of the subject concur in teaching that the potential command of the route to and from the Canal must rest with the United States, and that the vital interests of the nation forbid that such command shall pass into other hands. Certainly no nation which has acquiesced in the British occupation of Egypt will dispute this proposition. Undoubtedly, as one passes to the south and the distance from the Caribbean increases, the necessity of maintaining the rule of Monroe becomes less immediate and apparent. But who is competent to draw the line? Who will say, "To this point the rule of Monroe should apply; beyond this point, it should not"? Who will say that a new national force created beyond any line that he can draw will stay beyond it and will not in the long course of time extend itself indefinitely?

The danger to be apprehended from the immediate proximity of hostile forces was not the sole consideration leading to the Declaration. The need to separate the influences determining the development and relation of states in the New World from the influences operating in Europe played an even greater part. The familiar paragraphs of Washington's Farewell Address upon this subject were not rhetoric. They were intensely practical rules of conduct for the future guidance of the country.

Europe has a set of primary interests which to us have none, or a very remote, relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and col-

lisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course.

It was the same instinct which led Jefferson, in the letter to Monroe already quoted, to say:

Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cisatlantic affairs.

The concurrence of Washington and Hamilton and Jefferson in the declaration of this principle of action entitles it to great respect. They recalled the long period during which every war waged in Europe between European Powers and arising from European causes of quarrel was waged also in the New World. English and French and Spanish and Dutch killed and harried one another in America, not because of quarrels between the settlers in America, but because of quarrels between the European Powers having dominion over them. Separation of influences as absolute and complete as possible was the remedy which the wisest of Americans agreed upon. It was one of the primary purposes of Monroe's Declaration to insist upon this separation, and to accomplish it he drew the line at the water's edge. The problem of national protection in the distant future is one not to be solved by the first impressions of the casual observer, but only by profound study of the forces which, in the long life of nations, work out results. In this case the results of such a study by the best men of the formative period of the United States are supported by the instincts of the American democracy holding steadily in one direction for almost a century. The problem has not changed essentially. If the Declaration of Monroe was right when the message was sent, it is right now. South America is no more distant to-day than it was then. The tremendous armaments and international jealousies of Europe afford little assurance to those who think we may now abandon the separatist policy of Washington. That South-American states have become too strong for colonization or occupation is cause for satisfaction. That Europe has no purpose or wish to colonize American territory is most gratifying. These facts may make it improbable that it will be necessary to apply the Monroe Doctrine in the southern parts of South America; but they furnish no reason whatever for retracting or denying or abandoning a decla-

ration of public policy, just and reasonable when it was made, and which, if occasion for its application shall arise in the future, will still be just and reasonable.

A false conception of what the Monroe Doctrine is, of what it demands and what it justifies, of its scope and of its limits, has invaded the public press and affected public opinion within the past few years. Grandiose schemes of national expansion invoke the Monroe Doctrine. Interested motives to compel Central or South American countries to do or refrain from doing something by which individual Americans may profit invoke the Monroe Doctrine. Clamors for national glory from minds too shallow to grasp at the same time a sense of national duty invoke the Monroe Doctrine. The intolerance which demands that control over the conduct and the opinions of other peoples which is the essence of tyranny invoke the Monroe Doctrine. Thoughtless people who see no difference between lawful right and physical power assume that the Monroe Doctrine is a warrant for interference in the internal affairs of all weaker nations in the New World. Against this supposititious doctrine many protests both in the United States and in South America have been made, and justly made. To the real Monroe Doctrine these protests have no application.

ELIHU ROOT.

INTERNATIONAL SETTLEMENTS

BY BRIGADIER-GENERAL WILLIAM CROZIER, CHIEF OF ORDNANCE,
U. S. A.

IN a discussion concerning a judicial settlement of international disputes it is important to emphasize the difference between that kind of settlement and a settlement by diplomacy, or by any sort of adjustment in which the parties make mutual concessions. The prominent association known as the " Society for the Judicial Settlement of International Disputes " advocates a settlement by a court similar to the courts established within nations, before which a cause may be tried, and from which the party rightfully appreciating that it has the law and precedent on its side can confidently expect judgment in its favor, however radical such judgment may be, and however completely it may deprive the other party of any shred of comfort from the result. Senator Root made the following statement in regard to such an international court:

It has seemed to me very clear that in view of these practical difficulties standing in the way of our present system of arbitration, the next step by which the system of peaceable settlement of international disputes can be advanced, the pathway along which it can be pressed forward to universal acceptance and use, is to substitute for the kind of arbitration we have now, in which the arbitrators proceed according to their ideas of diplomatic obligation, real courts where judges, acting under the sanctity of the judicial oath, pass upon the rights of countries, as judges pass upon the rights of individuals, in accordance with the facts as found and the law as established.

President Taft, in speaking of the treaties of arbitration which he had negotiated with Great Britain and France, said:

I believe the arbitral court to be the solution of the difficulty; and when I say " arbitral court " I mean a court whose jurisdiction and power are

established by joint agreement of all nations, a court into which one nation may summon another for a hearing upon a complaint and for a judgment, and may rely upon the judgment being carried out through the public opinion of the nations, or by an auxiliary force, if necessary. When we have such an arbitral court, then disarmament will follow.

The article of the treaties which caused most discussion, and the one whose material amendment by the Senate afterward caused the treaties to be dropped, provided an agreement that there should be submitted to judicial settlement all questions which should be justiciable in their nature, and these were immediately defined in the article to be such questions as would be susceptible of decision by the application of the principles of law or equity. This would, of course, mean nothing but the principles of law or equity as they were understood at the time, resulting from previous practice. It was well recognized by Mr. Taft that such settlement might result at times in the complete defeat of one of the contesting parties. He said:

Arbitration cannot result in victory for both parties. Somebody has got to be beaten. We cannot play "Heads I win, tails you lose." We have got to have the people accept the fact that sometimes we may be beaten. We ought not to arrange something with a string to it so that when we think we are going to lose we can back out of arbitration and open up the possibility of war. We ought to put ourselves in such a situation that sometimes it will hurt us; we ought to subscribe to and carry out the treaty and stand to its terms.

The character of the judicial settlement which many well-disposed and intelligent people urge us to bind ourselves to has thus been dwelt upon, in order that we may submit it to the only kind of test which is worth anything, in the absence of practical trial; that is, the test of its application to incidents which have arisen in the world's history, and the estimation of its probable effect. We can examine the causes of some of the wars which have occurred, and form an opinion of what the settlement would have been had the judicial process been employed, instead of war, and see how we would have liked the result.

With our own nation, the war which resulted in its birth may not with strict accuracy be called the culmination of an international dispute, since it was the revolt of colonies from the mother-country. But it was a war between communities of considerable size, geographically separated, over distinct questions of policy, and thus exhibits quite enough for our

purpose of the characteristics of a war between nations. We have been in the habit of assigning as the most immediate cause of the war objection to taxation without representation, but the objection to this upon the part of the colonists was only a part of their claim that the American Colonies constituted such distinct communities that they were entitled to local self-government, in their internal affairs, and even in certain affairs which concerned their relations with the outside world. The reasoning of the colonists upon the new state of affairs which had arisen in the progress of the world led them to a conclusion at variance with the principles which had theretofore been considered as universally governing. As to the right of self-government, this was a more radical departure from precedent than the other claim in that it involved a broader abandonment of the old rules, and included not only representation for taxation, but a general freedom from the authority which had theretofore always been distinctly claimed, although it had been in many respects leniently exercised with reference to the American Colonies. The claims of the colonists were therefore revolutionary in their character, and by this very statement of their nature are stamped as having been such as could not have been allowed by a judicial tribunal, which has no authority to make new laws or to change existing laws.

The colonists wished the old rules, not to be applied to a new condition, but to be reversed, which would necessarily involve some kind of lawmaking process. That the previously existing law was not statutory law does not obscure our understanding of what it was. It is often thus with international law, which is none the less clear because it has not been enacted by a legislative body. If the American colonists could have won their contentions before a judicial body such as could have been gathered together in the world at that time, it seems clear that it would have been because of the prejudice aroused in the civilized world against the power and prestige of Great Britain, and would have necessarily resulted from so great an abandonment of the judicial attitude which becomes such a body as to cause the latter to lose its proper character as a court.

The first distinctly foreign war in which the new American nation was engaged was that of 1812. In regard to this war

the Hon. John W. Foster, in an address entitled "The Foreign Wars of the United States," stated that—

The single question upon which war was finally declared was that of blockade, and immediately after the war began the question was transferred to impressment, both of which are pure subjects of international law and practice.

As the first-mentioned cause had really ceased to exist at the time war was commenced, we may leave it out of consideration and examine only the question of impressment. This was a subject of international law and practice, and it is pertinent to examine what the law and the practice were, and how we would have come out of a judicial determination of them. General Foster makes many quotations in support of his view that the subject of impressment could have been brought under the rules of existing international law. In quoting Hall on this subject he states English practice at the beginning of the nineteenth century to have been that "if a foreign-naturalized Englishman was met on the high seas in a foreign merchant ship he could be taken out of it, the territoriality of such ships not being then recognized." He calls attention to the statement of Canning, British Foreign Secretary, that

"when mariners, subjects of his Majesty, are employed in the private service of foreigners, . . . those subjects may be taken at sea out of the service of such foreign individuals and recalled to that paramount duty which they owe their sovereign and their country. . . . It is needless to repeat that these rights existed in their fullest force for ages previous to the establishment of the United States of America; and it would be difficult to contend that the recognition of that independence can have operated any change in this respect.

The United States, from the beginning of the argument of the question, denied the right of visitation and search for impressment, and commenced almost immediately to give expression to this denial. But the British Government held strictly to it, and, when Madison was Secretary of State, gave the following instructions to the British Minister at Washington:

The pretension advanced by Mr. Madison, that the American flag should protect every individual sailing under it on board merchant ships is so extravagant as to require no serious consideration.

Admiral Mahan in his *Sea Power in Its Relations to the War of 1812*, gives a most interesting discussion of the

claim of the right of visitation and search and impressment which was the cause upon which the War of 1812 was actually waged. He demonstrates the practical impossibility of an abandonment of this claim by Great Britain at the time when she was engaged in a struggle for life against the power of Europe under Napoleon, and when she was following the practice which had theretofore not been questioned.

The opinions of these two eminent authorities show that Great Britain had a strong case in the exercise of the right of impressment of British seamen, when their presence on board of American merchant ships was disclosed by the visitation and search which she had concededly a right to effect during war-time, in order to determine the nationality of the vessel visited and the character of her cargo. Admiral Mahan reminds us that the acute character of the question arose from the new condition which came about in the world when another nation came into existence, of people of the same race and speaking the same language as those of the greatest existing maritime nation, whose interests were most strongly bound up with the question of allegiance of her maritime subjects. Up to that time the probability of making mistakes in the impressment of alleged British subjects was negligible, and the right of impressment had probably rarely been exercised. When the new state of affairs came into existence the old practice was found to possess disadvantages theretofore unsuspected, but there was no law-making process or authority by which the practice could have been forbidden, and the nation profiting by it had as much right, if not a great deal more, to adhere to it, as the new nation, adversely affected, had to object to it.

Conceding General Foster's position that the subject of impressment was one quite within the scope of international law and practice, I cannot understand his argument otherwise than as indicating that if the case had been judicially settled in accordance with international law and practice it must have gone against the United States. It is true that the war did not settle it, because we lost out in the war, and were in no position to claim our contention at the treaty of peace; but the practice ended by reason of the termination of the war between Great Britain and Continental Europe, and the question ceased, for the time being, to be an acute one. It, however, merged into the question of the right of

visitation and search in time of peace, by reason of the efforts of Great Britain to suppress the slave-trade, and this right was not formally given up by Great Britain until as late as 1860. I do not see how it can be contested that the result was brought about through force, at first unsuccessfully exerted, but even thus demonstrated to be a process which the United States was willing to resort to.

In the light of recent events it is interesting to recall that the Mexican War is generally acknowledged as one in which the cause of the United States is most difficult of defense. Questions of boundary in new countries, where the geography was unknown at the time when the people of the two countries contesting about the boundary first commenced to occupy the disputed region, are bound to be attended with much difficulty. General Foster holds that the movement of American troops into that territory, while the boundary question was still under discussion, was an overt act of aggression which naturally brought on the war. It is not altogether easy to admit this, since there is lack of apparent necessity for the attack on these United States troops in the disputed territory, and their presence there need not have caused the termination of negotiations. There was plenty of other territory into which Mexican troops might have been similarly moved. But can anybody maintain that it is a pity that Colorado, Utah, California, etc., are not now in the condition of Chihuahua, Sonora, and Durango? Selfishly speaking, the United States is, of course, incomparably the gainer in the possession of the rich country acquired by the war which, including the purchase price of the ceded territory, cost less than one hundred million dollars. The inhabitants of the acquired territory, both those who were in it at the time of the dispute and those who have since settled there, have reason to thank Heaven that the change of nationality occurred; while the world at large, being able to engage in relations with a part of the United States instead of being condemned, with regard to this acquired territory, to such as are now prevailing between the rest of the world and Mexico, must necessarily be heartily congratulated. The only unfortunates would appear to be those in control of the central government of Mexico, and of these persons the principal grievance would seem to be that, having at that time been deprived of the power of exploiting the inhabitants of the ceded territory, they now have, in the restricted area in

revolt, a less dignified adversary to yield to, in case they shall finally be compelled by the northern revolutionists to relinquish their control, than they would have had if the ceded territory had been left to join the revolt against them.

The contention is not for the settlement of questions irrespective of their real merits, and questions of boundary are such as to almost universally lend themselves to judicial settlement; but it is contended that the method of judicial settlement is one in need of explanation when it can be made to appear so clearly that, as in the case of the Mexican War, the failure to resort to it, and the settlement of that question by the process of war, produced a result which must be universally regarded as one which it would be extremely unfortunate to have lost. The incident certainly raises a suspicion that the principles which must guide in judicial settlement of international disputes are subject to grave error, and that in the absence of the possibility of correcting them by other means the international lawmaking process of war is oftentimes the very best that can be resorted to.

Now take the familiar case of our Civil War, the greatest in our history, which also was a war not between nations, but, like the Revolutionary War, between such considerable and such distinctly separated communities that it can be considered as a war between nations for the purposes of this discussion. Its inspiring cause, the extension of slavery, and its immediate cause, the exercise of the right of secession, lend themselves easily to an examination with reference to the outcome of a judicial settlement. The first-named cause was submitted to such a settlement in the Dred Scott case, in which the Supreme Court held that slaves were property and as such could be carried into the new territory of the United States, to be there entitled to its protection. This judicial settlement must be accepted as according to the law as it then existed. Of course, the whole world now concedes that it was not in accordance with right, but that, as distinct from the lawful aspect of the case, it was not within the province of the court to determine. Equally certain was it that in the existing state of affairs the law could not have been changed by the usual process.

As to the right of secession, as a question before a court, the right was certainly doubtful. Mr. Charles Francis Adams, thoroughly identified with the Northern cause, has more than once stated that the question was not determined

at the time of the formation of this Government, and that the quality of legal right could be claimed by either party to the contest. The Hon. Henry Cabot Lodge has said that at the time of the formation of the Government, and for a considerable time afterward, the right of secession was not only generally considered to exist, but also to be a right that would, in all probability, be exercised. Under these circumstances, how would the different fundamental questions of the dispute have lent themselves to judicial settlement? If the Supreme Court was right, the judicial settlement would probably have been different from that which was brought about by the war; and if the views of these distinguished gentlemen were right, it is at least entirely uncertain that the judicial settlement would have determined the right of secession in the same manner as did the sword. Those of us who are well pleased with the result that was attained as to secession, and those of us who would have been dissatisfied with the continuance of the opposite result as to slavery, have reason to congratulate ourselves that the questions of the Civil War received a military instead of a judicial settlement.

The object of the last war which the country has waged was to terminate the sovereignty of Spain in Cuba, for reasons which are set forth in the preamble to the Resolution of Congress of April 20, 1898, as "abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders," which are said to "have shocked the moral sense of the people of the United States, to have been a disgrace to civilization," etc. The deliberate conclusion of this country that Spain's sovereignty there must be terminated, it is apparent, could not have been granted by any judicial tribunal. The sovereignty of Spain in Cuba was as firmly established as anything in international law, and without a change in such law it could be terminated only by some such revolutionary process as that of war.

There are classes of cases which lend themselves unmistakably to judicial settlement; but there are others which distinctly do not, for the reason that the law and the precedent and the established order, being human made, are subject to error, and in the course of the progress of the world are therefore likely, at a given moment, not to accord with the conditions as they exist; in

such cases there arises a demand for a change, and if the change is resisted by a nation whose interests are bound up in the wrong order, the change must be brought about by the process of war. The judicial process, being held bound to the very principles which are claimed to have been outgrown, cannot effect the revolution which is demanded, and which must be brought about by some kind of a lawmaking process laying down new principles.

Processes of delay and the agreements which lead to them can do no harm, and should probably be encouraged; but it is easy to place more reliance upon them than the facts of history justify. When at the First International Peace Conference at The Hague, in 1899, it became apparent that the nations engaged in the conference were not going to bind themselves by a hard-and-fast agreement to submit contentions to arbitration, various forms of moral pressure, looking to the use of arbitral methods, were resorted to and embodied in the convention for the peaceful settlement of international disputes, which were adopted by that Conference. The most prominent of these was Article XXVII., which states:

The Signatory Powers consider it their duty, in case a serious dispute threatens to break out between two or more of them, to remind these latter that the permanent Court of Arbitration is open to them. . . .

How woefully this article failed of its object is appreciated by reference to the fact that since the adoption of the convention three wars have occurred—namely, the South-African War, the Russo-Japanese War, and the Balkan War—and with regard to not one of them did the Signatory Powers of the Convention think it worth while to remind the parties in dispute that the Court of Arbitration was open to them. It is perfectly evident that an appeal to the Court would never have served the purpose of the disputants in any case, and therefore the duty imposed by the article was completely and sensibly neglected. There may be in the future, as in the past, wars which result from temporary irritation, from hasty action, which the various processes of delay which form the subject of present negotiations between nations may be of service in softening; but wars for great principles are not of this class, and there does not seem to be any suggestion before the world which offers a reasonable guarantee for doing away with them.

WILLIAM CROZIER.

THE CRUX OF THE IMMIGRATION QUESTION

BY THE HONORABLE A. PIATT ANDREW

THE subject of immigration we have always with us in this country. It has been a topic of contentious interest and legislation almost continuously since the first Englishman set foot in the Western World. The Pilgrims and Puritans of Massachusetts Bay were scarcely settled in their log huts before they began planning a policy of exclusion, and already in 1637 they voted to keep out those who were not members of their own religious sect. So in the very earliest decades of the English settlement, immigration began to be restricted, and Quakers and Baptists, Episcopalians and Catholics, were banished and proscribed from the Commonwealth on the ground that American standards were apt to be impaired by their admission. From that day to this the older immigrants and their descendants have tried to keep this country for those already here and their kindred folk. They have looked upon themselves as a kind of aristocracy, their supposed superiority being proportioned to the length of time that they and their ancestors have lived upon this continent, and each successive generation of immigrants newly arrived has tended with curious repetition to adopt the same viewpoint, to believe that the succeeding immigrants were inferior to the former in religion, habits, education, or what not, and ought to be kept out. Then for more than a hundred years a further motive for exclusion has found constant iteration. Each generation has been taught to believe that the country was rapidly filling to the brim, and that on that account also the doors of entry ought to be closed.

In the very first decade of our Federal Government, in 1797, when the first Alien Act was under consideration, we

find passages in the records of Congress which sound much like the utterances of certain Congressmen in 1914:

When the country, said Otis (in 1797), was new it may have been good policy to admit all. But it is so no longer. A bar should be placed against the admittance of those restless people who cannot be tranquil and happy at home. We do not want a vast horde of wild Irishmen let loose upon us. (*McMasters' History of the People of the United States*, Vol. II., page 332.)

Passage after passage of similar tenor could be cited from every subsequent decade, but I shall only quote one or two examples, beginning with a report made in 1819 by the Managers of the Society for the Prevention of Pauperism in the City of New York. In this report of nearly a hundred years ago the fear is expressed that through immigration

pauperism threatens us with the most overwhelming consequences. . . . The present state of Europe contributes in a thousand ways to foster increasing immigration to the United States. . . . An almost innumerable population beyond the ocean is out of employment. . . . This country is the resort of vast numbers of these needy and wretched beings. . . . They are frequently found destitute in our streets: they seek employment at our doors: they are found in our almshouses and in our hospitals: they are found at the bar of our criminal tribunals, in our bridewell and our penitentiary and our State prison. (*Reports of the Industrial Commission*, Vol. XV., page 449.)

This was in 1819. Coming down another score of years, we find the next generation once more extolling the immigration up to its own time, but once more greatly perturbed by the supposedly inferior character of the immigrants then beginning to come. In a paper published in 1835, entitled "Imminent Dangers to the Institutions of the United States through Foreign Immigration," we read that formerly

our accessions of immigration were real accessions of strength from the ranks of the learned and the good, from enlightened mechanic and artisan and intelligent husbandmen. Now immigration is the accession of weakness, from the ignorant and vicious, or the priest-ridden slaves of Ireland and Germany, or the outcast tenants of the poorhouses and prisons of Europe. (*Hearings before the Committee on Immigration, Sixty-first Congress*, page 327.)

In the course of the twenty years that followed came the great increase of Irish immigrants during the famine in Ireland, and then again many Americans became panic-stricken at the thought of the possible consequences. A great secret order and a new political party, the so-called

Know-Nothings, were organized to overcome the dire results that were apprehended. The abject squalor and wretchedness to which these Irish immigrants had for generations been accustomed, it was urged, could not but result in the degradation of American standards, and many seemed to fear that on account of their religion the immigrants would try to overthrow our democratic government and establish an ecclesiastic hierarchy in its stead. Feeling in some places was so bitter that the immigrants were mobbed in the streets, their churches were desecrated, and their children were persecuted in the public schools. One could spend hours reading passages from speeches and pamphlets of this period denouncing the Irish immigration.

Yet the American government still lives and, notwithstanding the abject condition of these Irish settlers and the fears and apprehensions which they aroused, we have absorbed and assimilated some four millions of them and no one has yet observed any deterioration of American standards and ideals in consequence. We and they have flourished and prospered, and we reckon their descendants among our best citizens. The names of many of them are daily on our lips and before our eyes in the head-lines, for they are our political magnates, our aldermen and mayors and governors.

Passing on to the next generation, during the later seventies and early eighties came a great migration of Germans and Scandinavians, and once more racial prejudice found a new objective. The previous immigrants had for the most part spoken our language, were akin, it was said, to our original stock and familiar with our traditions, but the new immigrants, ignorant of English and with different modes of thought and practice, were held to be unassimilable and to menace our standards and institutions. The apprehension was so great and the objection became so general as to induce in 1882 the first general immigration law. Nevertheless, we have absorbed over four million Germans and over two million Swedes and Norwegians, and to-day we count no more valuable factors in our national stock than their descendants.

But once again the racial currents shifted, and during the last fifteen years new vast streams have flowed to this country from Russia, Italy, and Austria-Hungary, and new smaller streams from Portugal and from Greece, Rumania,

and other parts of Eastern Europe. During 1913 Russia, Italy, and Austria-Hungary offered each nearly a quarter of the year's total inflow. So once again the familiar clamor of alarm has been turned in another direction. It is now admitted that the millions of Irish and Germans and Scandinavians who have come into the country have been absorbed without any degradation of our standards, that they have rendered invaluable service in developing the country, and that the earlier fears have proven groundless. But it is said that the new immigrant is of a type radically less desirable than that of the earlier periods, and once more we hear the warning that the situation to-day is different in that the country is now thickly settled and land and opportunities are no longer available. As I recall the similar assertions and fears of earlier periods I must confess that I sympathize with the gentleman from Missouri who expressed a desire to have some evidence submitted. It looks as if in the eyes of some Americans the only good immigrants were the dead immigrants, and that the only opportunities for the country's development lay in the past. I want to know and you want to know in what sense the immigrants of to-day are thought to be inferior to those who preceded them, and on what grounds it is claimed that the country has reached the limit of profitable increase in population.

Are the new immigrants less sound of body and mind than those of earlier generations? Do they more frequently evince criminal proclivities? Are they more apt to become a charge upon the State? Is their standard of living lower? Are they less capable of becoming loyal, worthy American citizens? We may well inquire what the Immigration Commission, with their exhaustive investigations published in forty-one volumes, have to say in answer to these questions, and in this connection we may also turn to the volume upon *The Immigration Problem* prepared by Professors Jenks and Lauck, the reputed authors of the Immigration Commission Report, which summarizes the data and conclusions of the Commission.

Are the new immigrants wanting in bodily vigor and health? The authors of the Immigration Commission Report deny this.

Our later immigration laws have forbidden the entrance of those afflicted with any loathsome or contagious disease,

or of those in such a condition of health as is likely to make them become a public charge. Under these laws, too, the steamship companies are held responsible and are compelled to return free of charge passengers rejected by our immigration officials, and in the case of the insane or diseased they are fined in addition one hundred dollars for each such passenger brought to this country. This legislation has brought about a very great change in the matter of inspection and exclusion, and the representatives of the Immigration Commission declare that

the careful inspection abroad, sometimes by representatives of the United States Government, otherwise by inspectors of the steamship companies, and the final examination at the port of entry, have brought about the result that with very rare exceptions every immigrant admitted to this country is now in good health, and is not bringing with him the germs of any disease that might prove detrimental. (Jenks and Lauck, page 23.)

And they add that

as far as one can judge from the records kept, the races of the recent immigration, those from Southern and Eastern Europe, are not so subject to diseases that seem to be allied with moral weaknesses as some of those of the older immigration races. (Jenks and Lauck, page 47.)

Are the new immigrants more addicted to crime? Again the authors of the Immigration Commission Report assert that there is no proof of this.

No satisfactory evidence has yet been produced to show that immigration has resulted in an increase in crime disproportionate to the increase in the adult population. Such comparable statistics of crime and population as it has been possible to obtain indicate that immigrants are less prone to commit crime than are native Americans. (*Reports of the United States Immigration Commission*, Vol. XXXVI., page 1.)

Are the new immigrants more likely to become charges upon the community? The authors of the Immigration Commission Report declare the contrary.

The Immigration Commission, with the assistance of the Associated Charities in forty-three cities, including practically all the large centers excepting New York, reached the conclusion that only a very small percentage of the immigrants now arriving apply for relief. (Jenks and Lauck, page 50.)

Is the standard of living of the new immigrants lower than that of the old? Any one who has read the contem-

porary descriptions of the living conditions of the Irish and German immigrants in the periods from 1840 to 1880 will hesitate to believe that the standard of living of the immigrants of our day is lower than the standard of living of the immigrants in the earlier period. Nothing could be more pitiful and depressing than the pictures of the poverty and wretchedness of the Irish settlers at the time of the great migration from Ireland. The majority of the Irish people for centuries had been forced to live in hovels, with only the barest necessities in the way of furniture and clothing, and many of the thousands who came to this country were in serious danger of actual starvation if they remained at home. The authors of the Immigration Commission Report state that "practically none of our immigrants of the present day are in such a condition" (Jenks and Lauck, page 12).

In a very few years, with our free and compulsory schools, our free libraries, and the economic opportunities which this country has to offer, these people were transformed into ambitious, self-respecting, public-spirited citizens. And so it is with the Italians and Poles, the Russian Jews, and other poor immigrants of more recent times. They are often very poor in this world's goods when they enter our gates. One sees the mothers coming in with shawls in place of hats, often without shoes or stockings, and with all their worldly belongings in a rough box or tied in a single handkerchief. But it is one of the miraculous phases of our history how quickly we are able to transform, enrich, and absorb them. A few years later one sees the children of these same immigrants well dressed and ambitious, well educated, and literally undistinguishable in manners, morals, or appearance from the descendants of those who came over in the *Mayflower*. Such is the Aladdin-like power of the great American melting-pot.

It is easy to echo the cry of prejudice if you happen to be of Anglo-Saxon descent, and to assume an air of superiority and denounce the Italians, Greeks, Poles, Bohemians, and Russian Jews, as if they ranked somewhere between man and the beast, but were not yet wholly human. The same intolerant attitude of mind among the Anglo-Saxon Puritan settlers of early colonial days led to the whipping, imprisonment, banishment, and even hanging of Quakers and others of unlike religious beliefs. If you share these prejudices

to-day, walk some Sunday afternoon through the galleries of the art-museums in our large cities and note who are the people most interested in their treasures; inquire at the public libraries who are their most appreciative patrons; visit the night schools and observe who constitute their most eager classes; study the lineage of the ranking students in our universities and you will find that our libraries, art-galleries, universities, and schools often find their best patrons among the offspring of these despised races of Southern and Eastern Europe. Or if you seek your information in books, I would commend you to authorities who have studied the new immigrants at first-hand. If you will examine the volume on *The Italian in America*, by Messrs. Lord, Trenor, and Barrows, you will be reminded of what America owes to the Italians from Columbus down to our own day. And if you will read the study of *Our Slavic Fellow-Citizen*, by Dr. Balch, you will be reminded of what we owe to the Poles and Bohemians from the time of Pulaski and Kosciuszko down to our time. And if you will read the story of *The Promised Land* and *They Who Knock at Our Gates*, by Mary Antin, you will find descriptions of what we may expect from the Russian Jews. Incidentally you will also discover that the traditions and heroes of American history find their most ardent admirers to-day among these same people who but recently were aliens.

There is no evidence that the newer immigrants are inferior to the old. It is only the recurrence of a groundless prejudice which makes some people feel so. But even if the new immigration is not inferior in character to the old, we have still to ask whether there is not a menace in the very numbers of the immigrants now coming in. We hear a great deal these days about the alarming increase in immigration. We are told that more than a million foreign-born are coming into this country every year, that the number is increasing as never before, and that the country cannot absorb so great an influx. What are the facts in this regard?

As to the amount of recent immigration, the tide ebbs and flows with the alternating advances and recessions of business, and the tendency is for each successive wave to reach a higher level than its predecessors. In 1854 a record of 428,000 arrivals was established; then there was a great recession, and in 1873 a new high level of 460,000 was

reached. The next wave culminated in 1882 with 789,000, and in 1907 the highest of all immigrant records was reached, 1,285,000. During the last ten years the average number of immigrants arriving in this country has not fallen much short of a million per year, and this figure considered by itself does look portentous. One must bear in mind, however, that it represents only one side of the ledger and is subject to very heavy deductions. If you are reckoning the extent to which your property has increased during a given period, it does not suffice merely to count up the income. You must also deduct the outgo. And if you are reckoning the actual addition to our population which results from immigration, if you would have in mind the actual number of immigrants that we have had to absorb, you must take account of both sides of the ledger, of the outgo as well as of the income. During the last six years the number of departing aliens has been carefully collated, and it appears that from 400,000 to 700,000 aliens depart from the United States every year. This leaves a net balance of arriving aliens of only about 550,000 per year, or only about one-half of the total that is commonly cited as representing the annual influx. Even this figure may look precarious, however, until we have considered it in its appropriate relations and comparisons.

The capacity of the country to assimilate the incoming thousands without any serious modification of our institutions or standards depends in part upon two conditions: first, upon the proportion which the aliens bear to the resident population by which they are to be absorbed, and, second, upon whether the country is already approaching the saturation point as regards the density of its population. Now the proportion of foreign-born in our total population has not varied much in recent decades,* and even in the record year of 1907 the percentage of immigrants to population was lower than it has been on several other occasions during the past sixty years. As compared with the population of the country the immigration of recent years has not bulked as large as the immigration of the early

* PERCENTAGE OF FOREIGN-BORN IN TOTAL POPULATION.

1860.....	13.2	1890.....	14.7
1870.....	14.4	1900.....	13.6
1880.....	13.3	1910.....	14.7

(Thirteenth Census of the United States. Abstract, page 80.)

fifties,* and if we consider only the net immigration, it makes to-day an addition to the total population of the country of only a little more than one-half of one per cent. per year.

Nor need one fear that we are reaching the point in this country where population presses upon the means of subsistence. The number of our people will have to be multiplied sixfold to equal the density of the population of France, to be multiplied tenfold to equal that of Germany or that of Italy, and to be multiplied eighteenfold to equal that of England. If the present population of the whole United States were located in the State of Texas alone, there would still not be two-thirds as many inhabitants per square mile in that State as there are to-day in England. One must, indeed, have little faith in the future of the United States who, in the face of such comparisons, believes that the population of this country as a whole is approaching the saturation point, or that from the standpoint of the country as a whole we need be terrified by the dimensions of present immigration. It amounts in annual net to little more than one-half of one per cent. of our present population, and that population will have to increase many hundred per cent. before we have reached a density remotely approaching that of any of the leading countries of Europe.

There will, of course, always be timid Americans who will wonder how we can possibly hope to assimilate foreigners to the extent of as much as one-half of one per cent. of our population per year and who would prefer to see the country relatively weak and undeveloped than run the risk of continuing the experiment. When Jefferson proposed to purchase all of the great territory west of the Mississippi known as Louisiana, the citizens of Boston organized a public meeting to protest against the project. They thought it would destroy the relative influence of New England in the country's affairs, and they thought that the United States could not assimilate so vast a territory; and though their fears have been proven not only groundless but absurd by subsequent history, there are many still in Boston and elsewhere in the country who feel that our powers of assimila-

* PERCENTAGE OF INCREASE OF FOREIGN-BORN DECENNIALY

1850-1860.....	84.4	1880-1890.....	38.5
1860-1870.....	34.5	1890-1900.....	11.8
1870-1880.....	20.0	1900-1910.....	30.7

(Thirteenth Census of the United States. Abstract, page 80.)

tion have now reached their limit of capacity and ought not to be further taxed.

There will, of course, always be Americans absorbed in history and genealogy who will sigh for the good old days when America was only a sparsely settled fringe of seaboard States, and who will wish that the population of the country might still consist of the Sons and Daughters of the Revolution, the Colonial Dames, and the Sons of Colonial Wars. This might, indeed, have been a pleasant condition from certain points of view, but of one thing we may be certain: this country to-day would not be settled from coast to coast; our cities would not be a fifth of their present size; our powers as a nation and our prosperity as individuals would only have been a fraction of what they are had immigration been prevented.

Suppose, however, that we were to grant that the alien influx at the present time is of precarious character and dimensions, and that a policy of exclusion is desirable. It goes without saying that the policy should be framed along rational lines. The test for admission to the country must be one which will separate what we don't want from what we want. It would be preposterous for a doctor to say to an individual patient, "You are suffering from cancer, but we have no cure for that, so we will give you some of this remedy for tuberculosis." Yet this is exactly the kind of murky argument which the advocates of the literacy test proclaim. They say what is perfectly true, that certain classes of our immigrants are unassimilable and detrimental to our standards of American life and thought, and then they say "we don't know of any test which we could get through Congress which would exclude these undesirables selectively, so we propose to take a pot-shot and exclude those who cannot read."

Such a test is meaningless, unwise, and contrary to the spirit in which our Government was founded. It is meaningless because it would not exclude our most dangerous immigrants. It would not exclude anarchists. It would not exclude people of bad character, the vicious or the incompetent. Sing-Sing is filled with men who can read and write, and the most unassimilable anarchists in the country can read in several languages. The literacy test is unwise because it would exclude many of those who by character, vigor, and intelligence are destined to become worthy and

useful citizens. Above all, the literacy test flies in the face of the spirit of our whole history. For nearly three centuries the United States has offered a refuge for those who were oppressed by injustice and who lacked opportunity in the lands across the sea. In colonial days it was the refuge from persecution of the Pilgrim, the Quaker, and the Huguenot, and in later times it has been the refuge from injustice of the Poles, the Germans, and the Irish. In more recent times it has been the asylum for persecuted Russian Jews, for Italians, oppressed by an unjust land system in their own country, and for Hungarians, Armenians, and others who have been hampered by inequitable economic and political conditions in their respective countries.

I cannot believe that without the strongest reasons we should now depart from these time-honored traditions, and close the doors of entry to many of these people, merely because they have never had the advantage of the schools. There is abundant evidence that many of the English immigrants who came here in the hallowed colonial days, and whose descendants constitute what is conventionally regarded as our most superior stock, were unable to read and write. It is also generally admitted that the proportion of illiteracy among the immigrants of to-day is growing less with each succeeding decade. (Hall, *Immigration*, page 143.) Moreover, such illiteracy as exists is only an ephemeral disadvantage which disappears almost completely in the second generation. Illiterate immigrants are the more anxious, because of the handicap of ignorance from which they themselves have suffered, to make sure that their children take advantage of our schools, so that as Mr. Claxton, the Commissioner of Education, has recently reported, the least illiteracy in the country to-day is to be found among the children of immigrants. The proportion of illiteracy, he says, on the basis of a careful statistical inquiry, is three times as great among the children of native-born parents as among the native-born children of foreign parents.

In the face of such traditions, such conditions, and such evidence, we may well agree with President Cleveland and President Taft, who both refused to indorse the literacy test submitted to them by Congress, and we may also agree with President Wilson, who not long ago expressed the hope that the time will never come when America will not be proud to open her gates to those who love liberty and seek oppor-

tunity. Those who glory in the fact that their forefathers "came over in the *Mayflower*" in search of freedom and opportunity certainly ought not to overlook the closer fact that there are still hundreds of thousands in the Old World who have similar aspirations to whom in Mary Antin's words "Ellis Island is their Plymouth Rock."

I have spoken of only one aspect of immigration, the proposals to further restrict it, and I have tried to show why these proposals seem unjustified and unwise. The phases of the immigration problem which most urgently require consideration on the part of Congress and of the legislatures of some of our States have to do not with exclusion and restriction, which, except as to certain matters of detail, have already been abundantly dealt with by the law, but rather with the distribution and assimilation of our immigrants.

While it is true that the greater part of the country is still thinly settled, it is also true that some eastern seaboard States bordering on the ports of entry are very thickly settled. Massachusetts in particular has a density of population thirteen times that of the country as a whole, and greater than that of any European country except England. So while immigration has not reached dimensions that can be regarded as precarious for the country as a whole, there is serious ground for apprehension when the new immigrants congregate in Massachusetts and other densely populated States, and especially if, as sometimes happens, they settle in the more congested sections of those States. Unfortunately, too, there is an inevitable tendency for immigrants, in the absence of any counteracting governmental agencies, to concentrate in just this way. Although in most cases they have left their original homes in order to better their economic conditions, it is practically impossible for them to know, when newly arrived in this country, in what sections and in what occupations they are likely to be most needed and most highly paid. Without competent guidance, no matter what their previous experience and aptitudes may have been, their natural tendency is to gravitate toward the places and businesses in which their brothers and cousins and friends are already located. Over 387,000, or virtually one-third, of the foreigners who came to this country last year had been farmers or farm laborers in the lands of their birth, and most of them would probably have chosen to continue in the occupation with which they were familiar

had they known of favorable opportunities. Yet in all likelihood only a small fraction of this vast number of sturdy peasants found their way to the farms, and by far the larger share are probably located to-day in the manufacturing centers of the older States because they did not know where else to go. This is indeed a very serious phase of immigration with which our legislatures, Federal and State, must cope. The throngs of new laborers who are coming to this country must be diverted from the congested centers where labor is redundant to the regions where the labor supply is short, and this can only be accomplished by a systematic governmental agency organized for the purpose. There should, I believe, be created, in connection with the Department of Labor, something in the nature of a Federal employment bureau, with branch offices in all of the States, to collect and disseminate information regarding opportunities and the demand and supply of labor throughout the country. Such a bureau should co-operate with the State and municipal bureaus of employment wherever such exist, and with the agricultural departments of the several States, and should act as a central clearing-house for all of these agencies. The time has now come when our Government must assume the responsibility of systematically finding employment and of promoting the proper distribution of labor. And the State governments must co-operate with the Federal Government in this undertaking. State bureaus of employment with labor exchanges in every community must be established, or where they now exist in rudimentary and ineffective form they must be developed.

Our problem is not how we can exclude, but how we can effectively distribute those who are coming to us. We need and can use in America all of the strong and healthy helpers who care to come. We need their help in developing the almost boundless resources of this great country, but at the same time we must protect those who come and those who are already here from excessive concentration in the older and more densely populated communities whose resources are limited and whose opportunities are already sufficiently exploited. This is the primary and urgent question in connection with immigration which confronts us to-day, and its solution demands from every Senator and Congressman not rhetoric and prejudiced appeal, but common sense.

A. PIATT ANDREW.

A NEW SPIRIT IN PARTY ORGANIZATION

BY FRANCES A. KELLOR

POLITICS in America had become a question of nominations and elections. Patronage was the key to success, and power the handmaiden of the boss. Party lines were drawn, not by issues and policies laid down in platforms to be carried out, but by men who controlled conventions and competed for office. A campaign was impossible without a candidate and a platform impracticable except as a door to a vacant office.

It is now evident that any party which wishes to retain the confidence of the people and have their support at the polls must do something besides mark time between elections, assail rival organizations, nominate and elect candidates, and formulate platforms which are not intended to be programmes. It is evident that to accomplish this there must be a change in political methods which must begin with the party if its representatives in office are to carry out its will intelligently.

There is a growing belief that political parties have been leaving a vital part of their responsibility to volunteer organizations; that, while the power of political parties has increased, their responsibility, efficiency, and integrity have decreased.

A first step in this direction is the assembling of correct information. Men and women the country over are demanding information. They are insisting upon publicity. The enactment of laws governing campaign funds and the reaction against secret contributions are ample proof of this. Lessening the hours of work has released time and energy which a party can well utilize and which now expresses itself in citizens' committees, civic clubs, welfare organizations,

denoting an interest and progress woven largely out of margins of time and from surplus energy not needed in the struggle for existence. Women, freed by invention and science and social progress, have leisure, thought, and effort to put into governmental housekeeping in which they are taking a vital interest. Investments in human welfare have never been so generous as now, as the multiplicity of philanthropies indicates.

The question naturally arises—should not this new spirit of helpfulness and this surplus of energy and of resource be brought into party organization? Why should the party, the administrator, and the State depend so largely upon the initiative and recommendations of the voluntary efforts of social-welfare organizations and of benevolent individuals? Why should they not have their own laboratories for ascertaining facts, and their own dynamos for setting the current of public opinion? To an ever-increasing extent government has these in its public offices. But parties, from which these offices are filled, have not hitherto thought this essential or practical. When their representatives were not in power they have spent but little time drilling their army of voters and of potential officeholders and in stimulating the public opinion necessary to make their ideals and ideas effective when they come into power.

National and State laws define and regulate party organization and duties. The party thereby assumes the responsibility of naming public officers and of formulating their policies through platforms, and of directing their activities through the distribution of patronage to its members. It is, in reality, invisible government in the highest sense of that term. The time has, therefore, come to ask whether parties are performing all of the tasks which go with these high and responsible functions.

In addition to managing the routine of public office, social welfare is an increasingly important matter in both administration and legislation. Economic questions are the paramount ones before the country to-day. Industrial conditions are the subject of wide-spread investigation and discussion. The administration of justice in our courts is becoming the personal interest of every layman.

Now the general laboratories in which information is gathered and in which experiments are made in these fields are in the schools and universities, where men and women

are trained, and in the thousands of organizations devoted to investigations and social experiments and to relieving the results of the operations of our social and industrial system. Government is only beginning to perfect its laboratory. The idea that enforcement of law and business management of departments is not the whole of the public business is giving way to commissions which are investigating, formulating, and planning future work. The most significant illustration of this was the creation of the Federal Department of Labor, embodying the labor and immigration provisions of the Department of Commerce and Labor, but requiring the new department to investigate and report a year later a plan of final organization. At the same time there was created the Industrial Relations Commission based upon data and the agitation of men and women outside of government ranks. The political party has little connection with these institutions and organizations, except as they voluntarily appeal to it for action. There has consequently grown up the belief that non-partisan activities are more desirable, more honest, more worthy of broad support, and are of more benefit to society in general than are partisan activities. This results in divorcing the power of the party from its responsibility to the people. The party in power conducts its affairs without reference to non-partisan organizations, often doing work already done or ignoring their recommendations because they are reformers and therefore outside the pale of "regular" politics. In two recent instances bodies of social workers have held conferences, at their own request, with elected officials of high standing and power in the present Administration, and have made valuable recommendations, designed to save the State and country thousands of dollars. In neither case have these disinterested experts been called into consultation, nor have they been asked to submit specific recommendations. Had these recommendations come from a National committee or a State committee, which hold in their hands the power of renomination, the result, I venture to say, would have been wholly different. In fact, some members of these non-partisan bodies, who are also active party workers, have had their recommendations acted upon, but from a partisan standpoint.

The problems confronting the legislator and the adminis-

trator are increasingly complex. Both are in office too short a time to become experts in any of the fields requiring their attention. The philanthropic organizations are uncorrelated and highly specialized. There are few national philanthropic bodies equipped to deal with matters of national interest (with a few exceptions, notably, such as child labor). The officeholder, genuinely in earnest in his work, must, perforce, appeal to different and wide-spread organizations on different subjects, and in some cases they do not exist at all. Furthermore, in the important matter of appointments, these organizations exercise but small influence in proportion to their resources, and in many of them there is distinct opposition to this form of activity. These organizations, partly because of their fear of politics, because of their belief that in non-partisanship lies their strength, because of differences of political opinion among their directors, can be of little value in campaigns. One result is that contributors to these organizations are required to give to campaign funds to duplicate work, such as furnishing speakers and publishing literature often of an inferior sort when the material for these exists in these institutions.

Social-welfare organizations are tending in the direction of great multiplicity, elaboration, and increasing expense and duplication. We now set a society or citizens committee at considerable cost to watch a department, and call it, by courtesy, co-operation. This method is giving way to the official advisory board of citizens *serving* with power and responsibility.

Probably the most important matter before government to-day next to social and industrial justice is efficient, economical administration. In this the State can learn little from social-welfare organizations other than bureaus of municipal research (which are laboratories and will soon be an organic part of municipal administration). It is, therefore, increasingly important that the party which makes economy its war-cry should have the laboratory to carry on the war to success.

It is perfectly clear to the public administrator that philanthropic organizations, even granting his ability to locate and use them, are inadequate for his purposes. They do not effectively compete, as at present organized, with party influence. They are not an organic part of the new political organization, and probably will be most effective if they do

not become so. The departments upon which he may call are not equipped to give him adequate assistance; they are manned by men rewarded as a political favor whom he cannot trust, and the scientific spirit of inquiry does not yet prevail. Twenty-one States have legislative reference divisions, but of these only about five are well organized and properly financed.

It would seem that the party organization of the future must necessarily include two correlated fields—each indispensable to the other. The first will be, as now, defined by statute law and will deal with campaigns and elections, comprising a more or less uniform number of mechanical details, and will be largely supported by State funds and taxation. This field will be characterized by a restriction of powers. The direct primary, the abolition of conventions, fusion in municipal affairs, the commission form of government and similar movements are making the party less powerful. If the party is to survive as an instrument of power and as a means of expressing the will of the people there must be an expansion elsewhere. The second field will be defined by scientific laws and will consist of a party laboratory, manned by experts. Social research will be its method and it will constitute a general clearing-house for information, as well as a power for the most intelligent and courageous governmental action. This work will be supported by contributions or assessments. No party can much longer delay a reorganization to include the application of such scientific principles. It is this second and as yet comparatively undeveloped phase of party organization with which we are here primarily concerned.

Political science hereby assumes an importance which makes it necessary to emphasize its essential characteristics, and becomes inseparable from the social sciences. To be effective, a political laboratory must be as scientific, as thorough, as dispassionate in its personnel, methods, and findings as are the laboratories of other sciences. It must be free from political influences as these are generally understood, and yet advance the party as the vehicle for accomplishing its ends. Its scope is necessarily the party platform. To cover the whole range of social and economic life without some such limitation would result in as much chaos as to combine biological, physical, and metaphysical sciences.

Social research is the observing and recording of social relations of mankind, and is concerned with the enumeration and determination of their various manifestations. It pursues with regard to social relations the same kind of inquiry that mathematical inquiries pursue with regard to numbers, quantity, and space, and the physical sciences pursue with regard to matter and its manifestations, substituting for their subject-matter the thoughts, feelings, and activities of mankind. The fact that at present it is little more than a mass of disorganized, numberless, separate investigations, which have little correlation with lawmaking bodies or the needs of the public, need not discourage us.

The subject-matter of social research—thought, feeling, and action of mankind—is infinitely more complicated than that of the natural sciences. Matter and its properties have no sentiments, no reputations, no honor, no aspirations, no temptations, virtues or vices, or families to be considered. If matter is consumed in the process of an experiment or changed into some other form or converted into other uses, no great harm has been done and great benefit to progress may result. The reaction of the various properties of matter to stimuli entails no consequences comparable to those resulting from the response of feeling, thinking human beings.

Notwithstanding the difficulties presented, the four essential principles of all research, the discovery of truth being its main object, are applicable to the political field, and include sequence, accuracy, impartiality, and dispassionateness. These prevail in the scientific world, by diligent, laborious, continuous, and systematic inquiry made by trained persons whose remuneration does not depend on the character of the results obtained.

In social research, statistics occupy much the same place that mathematics do in the various sciences. Hence, the methodology in both fields consists of the observing, recording, and verifying of data which comprise facts with which repeated experiments and comparisons may be made, and when so related constitute an investigation or study.

The mechanical equipment of scientific laboratories consists of instruments and processes, uniform or tending to uniformity, and standardized so the results in one laboratory (all the factors, including surroundings, being constant) can be compared with those of other laboratories, or

be used as a finished piece of work, or for further experiments. The social-research laboratory consists practically of the whole range of thought, feeling, and activity of persons in social relations, or such parts of it as the investigator may select. Its mechanical equipment consists at present largely of schedules, questionnaires, and testimony sheets, having little similarity. These data are reduced as nearly as may be to statistical tables, charts, and formulas such as are used to express the findings of the scientific laboratory, which are based upon standardized equipment, uniform conditions, and repeated experiments. This equipment is being steadily enlarged from the physical and psychological laboratories, until to-day we have at our command the resources for gathering information in most fields of social research.

Now, applying the principles of social research to political organization, what is the immediate result? First, while the platform defines the limits of the laboratory, it is realized, restricted, or expanded in accordance with the laboratory findings. If, for instance, the laboratory shows such a plank as mothers' pensions to be unworkable in practice, by bringing together the experience of the country, the evidence is presented and a substitute measure recommended. Platforms worked out in this way would leave the candidate little excuse for not living up to his pledges, and would make political activity wholly intelligent. Second, the findings of the laboratory must be made of practical value. A government laboratory may suppress findings for expediency or party reasons; the welfare organization may be content to give its findings to the world for any one to use or not as it sees fit, but the party laboratory conducted as here conceived is bound to vitalize its members. It does this by having a legislative division where the man or woman interested in laws can get models, briefs, data, and speakers for hearings; by furnishing speakers and literature to those interested in meetings; by sending programmes and lecturers to clubs and to those desiring to introduce the social element. Now high as the note of the present organization of parties may sound, as at present constituted, the key-note is always to *get* something—the dominant note of this supplemental organization is to *give* something. *Giving* is the motive, and we then have within the party itself a complete organization receiving and ex-

pending irrespective of the capture of offices. Hitherto parties have stagnated and deteriorated between elections because they have believed they had nothing to *give*. This then should be designated the service idea in party organization.

We can, perhaps, best illustrate the success of the method as applied to parties by its achievements. The National Progressive Party has a Progressive Service Department which is the embodiment of scientific party organization supplementing the legal political organization.

It has been in existence but a year and is as yet crude and defective, meeting intolerance and opposition, and is held by many to be a menace to party organization. It is attacked as an unnecessary duplication of work, and as "impractical," that greatest of political sins. This is inevitable in so radical a departure from all standard party organization.

The Service divides the party platform into what are known as four platform departments—Social and Industrial Justice, Conservation, Popular Government, and Cost of Living and Corporation Control. Each of these departments is divided into sub-committees in charge of the very best experts the Service can muster. Under Social and Industrial Justice these committees are Men's Labor, Women's Labor, Immigration, Social Insurance, and Child Welfare. Under Conservation, the committees are Natural Resources, Country Life, Health, Productive Efficiency, and Practical Training for Public Service. Under Popular Government, the committees are Direct Legislation (including the Initiative and Referendum and Recall), Equal Suffrage, and Judiciary Reform. Under Cost of Living and Corporation Control, the committees are Cost of Living, Trusts and Corporations, and Tariff and Taxation. Every plank of the platform is in charge of some committee of experts. These committees consist exclusively of experts and authorities and are actively engaged in studying these subjects, presenting their findings and making experiments.

As illustrations, the Social and Industrial Justice department has completed, as its year's work, an analysis of workmen's compensation laws, social insurance, and standards for labor departments. The Committee on Direct Legislation has prepared and sent out a questionnaire on the initiative and referendum. The laboratory work as a whole is of

course limited by the inadequate facilities of a new organization and by its finances.

The way in which the national legislation of the Progressive Party has been formulated shows the next step. There are twelve bills which have been prepared by the legislative committee of the Service in co-operation with a committee of six of the Progressive Congressmen. No bills are presented as party measures which have not the indorsement of these two committees. These bills have been printed with a compendium and sent out to the voters for suggestions for amendments—an organized referendum to the people of the *formulation* and execution of the programme they have outlined before its enactment.

In the matter of State Legislation twenty-seven States have legislative committees and twenty-one States have State services which do for each State what the National Service does for the country in acting as their clearing-house between States.

Now the drafting or passage of a law often represents the greatest advance which the subject has reached, and unless the public understands that proposal or law, sympathizes with it, and believes in it, the best administrator in the world cannot enforce it. The understanding and vision of members of a party range all the way from the kindergarten to the seminar in the matter of their conception of needs, and of remedies, and a party to have unanimity on its platform utterances and execution must have publicity, education, speakers, lectures, moving pictures, and every device possible, to enable it to reiterate the story many times to obtain this. Therefore the laboratory must have its publicity, lyceum, speakers, and publications department for the country, covering its whole platform.

Now in the absence of such a laboratory system what is the prevailing method? State executives and legislators are called upon to-day to pass upon the most complex social problems—minimum wage, various forms of State pensions, workmen's compensation, and frequently to decide upon the merits of conflicting bills upon the same subjects. To whom can they turn? Hitherto to non-partisan, philanthropic organizations, if they had no prejudice against them as "reformers"; but generally to party managers and lawyers. The lawyer by the very nature of his training and deference for precedents is the very opposite of a disinter-

ested investigator. He has no faculties for other than an examination of legalities. Even where executives retain a permanent counsel, they are rarely persons with a social point of view or with an aptitude for acquiring a large amount of social data bearing on the subject; their judgments are legal rather than social. They are more concerned with what the law will permit than with what men require. The result is that the great majority of legislators, honest men, often from fields of toil remote from these perplexing questions, who want to vote right on the various bills, have no way of commanding the knowledge enabling them to do so. The enterprising, self-interested corporation, knowing the value of such data, systematically and effectively sees that legislators get what it wants them to know.

The same thing is true of the courts. When the test of a law is made the arguments are limited largely to what lawyers present. The result is that oftentimes a court has no information presented to it concerning the intricate, underlying social and economic conditions it is sought to remedy. The time is not far distant when courts will not be content with arguments, and with the appearance of the representatives of clients and of litigants. They will receive data in conformity with scientific laws in addition to those now received in accordance with procedure. Experts of the State, who will be its representatives, will appear and present facts, and will be subject to recall if they do not impartially present accurate findings.

Heads of departments are called upon to administer laws and enforce regulations which have no meaning for them. Rarely does a statement of the conditions leading to the enactment of the law accompany it to the official charged with its enforcement. Formerly, government agencies were created primarily to deal with the affairs of property. Many of the existing departments of government, and practically every new department which has been added within the last decade, deal primarily with the social and industrial relations of men.

There is no one way in this country at the present time that the legislators and executives of one State, in their direst need, can find out the experience of a neighboring State. This is where national political organization laboratories can render a service, and where the non-partisan philanthropic organization generally fails. The National

Child Labor Committee can furnish information on child-labor matters, but where can the harried legislator, who has introduced a bill on old-age pensions, on mothers' pensions, on minimum wage, on immigration distribution agencies, or on regulation of employment agencies, turn to find both the advocate and the information to support his bill? Where are the data on which his bill should be founded, to be practicable? It is scattered among half a hundred different organizations or it is buried in foreign-government documents, or it is not compiled in any form. With thousands of bills to vote upon, the legislator cannot stop to get this information nor would he know where to turn, and, therefore, cannot enlighten his fellow-members.

The Progressive Service, in addition to its research equipment, has created two bureaus, one on legislation, already described, and the other a bureau of education. To illustrate again the application of scientific principles to political organization in the field of education: The great agent in formulating public opinion is publicity. In the party field there is no bureau of publicity not concerned primarily with attacks on rival parties or engaged in putting the best light possible on its own efforts. The publication of truth is not expected from a political headquarters, and, therefore, such information is discredited. Now it is not only conceivable, but it is a fact that the publicity of a party organization can be organized so as to furnish speakers whose statements are reliable, lecturers whose knowledge of their subjects is known to be complete and authentic, scenarios for moving pictures which present facts, newspaper releases which popularize technical information, and literature that will stand a literary and veracity test. The Progressive Service has a Lyceum Bureau which runs its speakers' division the year round, places its own lecturers and furnishes illustrated lectures, and whose publications and interviews must stand the tests applied to such work in other fields. The Lyceum Service routes its lecturers to the places which most need education from the social-welfare point of view. This routing is based upon a careful study of the localities—their institutions, surroundings, demands, and current events determining their need of political education. The speakers' bureau not only furnishes speakers, but supplies them with material for their subjects, with bibliographies and literature. The literature department issues its publications in

serial form, which gives them a dignity and accuracy wholly lacking in the usual campaign documents.

A clearing-house for information as a stimulus to action requires not only a heterogeneous mass of people bound together on Election Day, partly by devotion to principles, partly by loyalty to leaders, partly by sentiment, but, to become effective, it needs to be an organized medium. In each State the educational elements within the party are organized into State Progressive Services, having departments and bureaus corresponding to the National organization. The State Service is a part of the State Committee, and the chief of Service is responsible to the State chairman; the one carries the political organization required by law; the other the educational work necessary to give the people opportunity for service the year round. In the absence of a campaign the Service work prepares the way and does its hardest work. In times of campaign its material and resources are placed at the disposal of candidates and speakers, are used to formulate platforms and to win supporters to carry on party work as a whole.

Perhaps not the least interesting thing in the Service is its financial organization, which provides for a budget, detailed expense accounts of employees, and monthly and special reports of all officers, which make it possible to analyze the cost of any given piece of work and to judge of its economy or waste. The Service believes that there is no item of expense which should not be thus accounted for, and that the returns eventually will be as definite and determinable as in any other educational or business enterprise.

Now contrast this organization, which is running every day in the year independent of the question of candidates and elections, with prevailing political methods in other great parties. Speakers are not only sent out during campaigns, with no attempt at their education or direction, but many are paid for their service and have chiefly a commercial interest in their work. They are gathered hastily together, never trained, and when the campaign closes they are dropped as quickly as they were assembled. Literature so-called is thrown together, facts are distorted or are wholly lacking, and most of it will not bear a careful scrutiny away from the light of a campaign fire. People are gorged in a few weeks with reading material which might mean something if it came regularly to them. Po-

litical clubs spring up like mushrooms, collect money, and spend it without regard to ascertainable returns, and work without system or effect.

Now these speakers and the thousands of young men and women in such clubs will be the public administrators of next year. Is it not, therefore, the paramount duty of the political organization to be interested in the training and the ideals of these young men and women? Not only is this true for the campaign, but for fundamental training. On this ground a responsible political organization, whether in power or not, should be interested in the courses of instruction in State institutions, receiving State aid, and in general educational methods in practical politics in the new sense of the word, which spells efficiency and honesty instead of feasibility and trickery.

The Progressive Service meets this by having a committee which is studying the equipment of schools and colleges for public service, with a view to submitting recommendations for increased training to such institutions.

It is significant that the old methods of organizing for campaigns and of strengthening party organization by means only of candidates and offices are rapidly disappearing. The old political headquarters, maintained as smoking and drinking quarters, where men met to arrange deals and where the basis of association was an interest in winning an election or dividing the spoils of office, are giving way to headquarters open the year round between campaigns, where men and women meet to discuss political issues and social and economic conditions, and where men are not ashamed to talk openly of party policies. The borough and city and county platform has made its appearance and is the basis for such meetings.

Such meeting-rooms are now the haunts of the scholar and of the statesman, and of the business and working men and women. The politician, as the public has been taught to see him, is disappearing as the leader at such headquarters. Men and women are beginning to realize that here in these thousands of places policies are determined upon and matters concerning their welfare debated and settled even before the primary selects the candidate to carry them out. These headquarters and their activities are as important to the adult thinking men and women to-day as is the school to the child. The school of politics run by the

Progressive club is an established institution. The Service idea in politics is abroad in many guises. It is organized as yet only superficially. It is in the state of electricity and steam when first discovered—it is unharnessed and its power ungaged. In Massachusetts it is expressed in the Federation of Progressive Women; in Kentucky, in the Woman's Progressive League; in many States, in Progressive clubs with service committees; among minors, with Boys' Progressive clubs; in twenty-one States, in Service boards; in other States, in staffs of Service correspondents. Its forerunners have been the thousands of non-partisan organizations which have plowed the fields, and the courageous individuals who have stood alone battling for progressive ideas. The Service is training new men, interesting new people in politics, and discovering new ways of making politics interesting. Not the least of its possible contributions will be inducing able men to take office. Once the Service element is established in party organization, men who have shunned office will no longer fear its effects and will assume this last burden of responsible citizenship.

The successful party of to-morrow must meet the demands of this new spirit by new methods; of this thirst for knowledge by information; of this demand for service by real opportunities for work; of this appeal for the recognition of the individual by consideration of his capacities and temptations; and of this need of organization by system.

To the old-time party politician a scientific party organization has little meaning. The practical politician fears the party will become academic and discussion will supplant action. Many who see the needs of government ignore the needs of the party. The reforms in government begin in the party. There can be no reform in government administration without corresponding reform in parties. If the one is based on spoils, the other will be. An administrator may rise above his party, but his work will not endure if his party is too far in arrears. The work of Governor Hughes of New York was in advance of his party and of the Democratic party now in power, and much of his work is now to be done over because of it. Scientific organization based upon measures to supplement legal political organization is therefore likely to become a final test of the supremacy and endurance of political parties.

FRANCES A. KELLOR.

THE TREATY-MAKING POWER: A REJOINDER

BY EDWARD S. CORWIN

IN his article in the April NORTH AMERICAN REVIEW ¹ MR. Henry St. George Tucker argues that the reserved powers of the States limit the treaty-making power of the United States. In the following article the contrary view will be presented.

Mr. Tucker admits that it may be inconvenient "to permit the people of one State . . . by its independent and antagonistic action to defeat a treaty whose beneficent effects are intended to reach all the people of the United States," but he contends that "the argument *ab inconvenienti* . . . cannot be admitted in the consideration of constitutional rights." Unfortunately, he soon forgets this equally correct and sensible principle, for he contends with great urgency that if the view combated by him be correct, "the negro from Hayti or the Congo may under a treaty be free to enter the schools of Texas and ride in any coach on a railroad that may suit his tastes, notwithstanding the law of Texas to the contrary"; and he inquires, with considerable indignation, whether American citizenship is "to be a badge of inferiority and the alien to be preferred to the native-born American." No doubt we incur grave risks in maintaining a National Government at all. For with its powers to regulate commerce and to tax, Congress has trade, business, and private incomes pretty much at its mercy; with their powers of appointment the President and Senate can fill all of the offices with rogues; with his powers in the conduct of foreign relations the President can bring on that worst of calamities, a foreign war, for any sort of cause. But then we recall that the States themselves originally possessed some of these powers and used them to so little advantage that the people transferred them to the

¹ "The Treaty-Making Power Under the Constitution of the United States."

central Government. Very likely they should have abolished them outright.

Turning, then, to the question at issue, we find that Mr. Tucker bases his argument upon some words from Story and Cooley, upon the admitted fact that the treaty-making power is a constitutionally limited power, upon one or two judicial utterances, and upon his reading of the Tenth Amendment and Article VI., Paragraph 2, of the Constitution.

The words from Cooley sustain Mr. Tucker's position, but as Cooley cites in their support the same words of Story that Mr. Tucker does, the question before us is whether Story's words have been properly used. These are as follows: "But though the power [of making treaties] is thus general and unrestricted, it is not to be so construed as to destroy *the fundamental laws of the State.*" These words Mr. Tucker quotes four times, but on the last two occasions he introduces an interesting variation by making the word "State" plural! For this proceeding there is no warrant. Story in the passage quoted uses the word "State" in the generic sense and means by it the *United States*. This is shown, first, by his capitalization of it, whereas he always puts the States of the Union in the lower case. It is shown, secondly, by the words that immediately follow the ones quoted: "A power given by the Constitution cannot be construed to authorize a destruction of other powers *given* in the same instrument." If the powers of the States are *given* them by the Constitution, what becomes of their *reserved* rights? But it is shown finally by his words on the precise point under discussion: "The peace of the nation and its good faith and moral dignity indispensably require that *all* State laws shall be subject to the supremacy of treaties with foreign nations." (Section 1838.)

But the ultimate authority, that upon which commentators and courts must alike rest, is, of course, that of the Constitution. The Tenth Amendment to the Constitution reads:

The powers not delegated to the United States by this Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

These words, by Mr. Tucker's own presentation of the case, do not advance the discussion much, since the treaty-

making power is delegated to the United States, wherefore the crucial question still demands answer, as to what happens when that power is so exercised as to conflict with the exercise by a State of one of its reserved powers. The really pertinent passage of the Constitution is therefore Article VI., Paragraph 2, which reads thus:

This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land; and the judges in every State shall be bound thereby, *anything in the constitution or laws of any State to the contrary notwithstanding.*

It would be tolerably difficult, I surmise, to select words conveying more clearly the idea that State power cannot limit national power. *For if the States possess a power, they may exercise it by enacting statutes or constitutions.* But it is here declared that *any* such statute or constitution, or part thereof, conflicting with a treaty made under the authority of the United States must fall to the ground; and how "the authority of the United States" is to be deemed limited by that over which it is pronounced invariably supreme is certainly more than the mind untutored in the dialectics of the State Rights school can easily fathom.

But Mr. Tucker points out, what indeed is universally admitted, that the "authority of the United States" by virtue of which treaties are made is not an unlimited authority; that, for example, it does not constrain Congress to vote money to carry out a treaty; and he contends that "supremacy admits of no limitations, exceptions, or conditions." Very true, but the question still remains, Supremacy of *what* over *what*? And the answer is, Supremacy of treaties made by the authority of the United States, which is the authority established, created, and defined by the Constitution, over *all* conflicting State laws and constitutional provisions; and the similar supremacy of all acts of Congress made in pursuance of the Constitution.

However, not desiring to make Article VI. mere empty verbiage, Mr. Tucker introduces a distinction. It is entirely apparent that Article VI. owes its existence directly to the recognition by the framers of the Constitution that the States would continue to possess large and undefined powers of legislation which would probably be exercised in the future, as they had been in the past, to the derogation of national power. But Mr. Tucker would have us

believe that the only kind of State laws against which the framers intended to safeguard national power were the laws which the States would pass by virtue of what he calls their "concurrent powers." Let us examine this contention.

Mr. Tucker defines "concurrent powers" as "powers which the Federal and State governments each employ." The definition is imperfect. More accurately speaking, concurrent powers are those which the States may exercise within the field of power assigned by the Constitution to the National Government *in the absence of conflicting national legislation*. Actually, the idea has been of little importance in constitutional law save in connection with State legislation *directly* regulating foreign or interstate commerce; and in this connection it did not obtain legal standing till 1851, in the famous case of *Cooley vs. The Board of Wardens* (12 How. 299), where, however, it is used, not in contradistinction to what Mr. Tucker calls "the reserved powers of the States," but to those branches of commercial regulation which are closed to the States by the mere grant of power to Congress. Moreover, the Court there declares explicitly that these powers belong to the States, not by virtue of any delegation of power from the National Government, but of original right—that is, that they stand on the same footing with all other State powers. And to-day the term has substantially disappeared from the vocabulary of the Court, which regards all State legislation as enacted by virtue of the same power, to wit, "the police power." But suppose we admit what is apparently Mr. Tucker's view, that these powers are different from the States' reserved or police powers, in that they owe their existence not to the States' autonomy, but to the allowance of the National Government. Then indeed is Article VI., Paragraph 2, superfluous, since obviously this allowance may be withdrawn at any moment. Finally, Article VI. knows nothing of this distinction: it says "*anything* in the constitution or laws of *any* State to the contrary notwithstanding."

But, lastly, Mr. Tucker makes his case concrete by citing a power which undoubtedly is one of the reserved powers of the States, in the strictest sense of the term, and which accordingly, if his contention is correct, cannot be invaded by the treaty power. Thus he quotes the language of Justice Field in *United States vs. Fox* (94 U. S. 320):

The power of the State to regulate the tenure of real property within her limits, and the modes of its acquisition and transfer, and the rules of its descent, and the extent to which testamentary disposition of it may be exercised by its owner, is undoubted.

And again the language of Justice Washington in *McCormick vs. Sullivant* (10 Wheat. 202) :

The title and modes of disposition of real property within the States, whether *inter vivos* or testamentary, are not matters placed under the control of Federal authority.

At the close of his paper, furthermore, Mr. Tucker in a note "confidently asserts that no case has been decided by the Supreme Court involving the direct question herein discussed"—that is, the competence of the treaty-making power to invade the field of State rights. Let us see whether this confidence is well founded.

The same judges, with one exception, who decided the *McCormick* case also decided *Chirac vs. Chirac* (2 Wheat. 259, 1817); the same judges, with one exception, who decided *United States vs. Fox* also decided *Hauenstein vs. Lynham* (100 U. S. 483, 1879); and the judge who wrote the opinion in the *United States vs. Fox* again spoke for the Court in *Geofroy vs. Riggs* (133 U. S. 258, 1890). In each of these three cases the issue was the same; it lay between claimants to real estate whose right to the property involved was admitted to be perfect under the local law and other claimants who asserted the right to claim the same property *as heirs* to it upon the basis of certain treaty provisions.¹ In each case the decision of the United States Supreme Court, given unanimously, was in favor of the latter claimants; and the basis of the decision was in each case announced to be Article VI., Paragraph 2. Later, reviewing these and similar decisions, Attorney-General Griggs stated the rule that they unmistakably establish:

The fact that a treaty provision annuls and supersedes the law of a particular State upon the same subject is no objection to the validity of the treaty. (22 Opinions 214.)

Mr. Tucker's "confident assertion" just quoted is therefore plainly without merit; as is also his further assertion that

All of the cases have decided questions collateral with the real issue involved in this [his] paper.

¹The local law in *Geofroy vs. Riggs* was that of the District of Columbia, but it was ruled that the term "State" of the treaty applied also to the District.

Nor, had he turned from judicial decision to the practice of the treaty-making body, would he have found better support for his general thesis. The United States has since 1789 entered into dozens of treaties of amity and commerce, extradition treaties, and Consular Conventions, every one of which has to a greater or less extent invaded the field normally occupied by the States in the exercise of their reserved powers.¹ This subject naturally cannot be entered upon at length in a short article, but one treaty I will make specific reference to. This is the Convention of 1800 with France, which, in the language of the Supreme Court of the United States, gave citizens of France "the right to purchase and hold land in the United States"—in contravention of the common law rule, then prevalent in every State in the Union—"removed the incapacity of alienage, and placed them in precisely the same situation as if they had been citizens of this country." This indeed, to quote Attorney-General Cushing, is "the most expressive of all precedents, it having passed through the hands and received the approbation of John Adams, John Marshall, Oliver Ellsworth, Thomas Jefferson, and James Madison, who, if anybody, should have understood the Constitution."

On the precise question, therefore, of the relation of the treaty-making power to the reserved rights of the States, our conclusion must be that the latter do not limit the former to any extent; that, in other words, *the United States has exactly the same range of power in making treaties that it would have if the States did not exist*. Further, it should be pointed out that the same rule of construction also applies to the powers of Congress, though those powers occupy only a portion of the field of legislative power.

The Convention of 1787 desired nothing so much as to get rid of that State intervention which had wrecked the Articles of Confederation. This it accomplished in three ways: by providing the National Government with executive machinery of its own; by making the Supreme Court the final interpreter of the Constitution; by providing for the supremacy in all cases of the national authority, as defined by the Constitution, over conflicting State authority. The point of view of the Convention was voiced by Wilson thus:

With respect to the province and object of the general government they [the States] should be considered as having no existence.

¹ National Supremacy, Treaty Power *vs.* State Power, by the writer.

Later a motion was offered in the Convention prohibiting the National Government "to interfere with the government of the individual States in any matters of internal police which respects the government of such State only and wherein the general welfare of the United States is not concerned." Despite the careful language in which it was couched, the motion was voted down by eight States to two.¹

The view that the reserved powers of the States comprised an independent limitation on national power probably first found expression in the debate on Hamilton's Bank Project of 1791. Opposed as he was to the bank, Madison pronounced the argument fallacious. "*Interference with the powers of the States*," said he, "*was no constitutional criterion of the power of Congress*. If the power was not given, Congress could not exercise it; if given, they might exercise it, although it should interfere with the laws or even the constitutions of the States."² Nevertheless, a generation later the same notion was again afoot, though now in a modified form. "It has been contended," recites Chief-Justice Marshall in his opinion in *Gibbons vs. Ogden* (9 Wheat. 1, 1824), "that if a law passed by a State *in the exercise of its acknowledged sovereignty* comes into conflict with a law passed by Congress in pursuance of the Constitution, they affect the subject and each other like equal and opposing powers." In other words, it was not claimed on this occasion that the National Government was under constitutional obligation not to invade the field occupied by the reserved powers of the States, but that whenever it did so the States could use their reserved powers to block it. "But," the Chief Justice answered: "The framers of our Constitution foresaw this state of things and provided for it." Whenever the Federal Government has acted in the exercise of powers intrusted to it, "in every such case the act of Congress or the treaty is supreme, and the laws of the State, *though enacted in the exercise of powers not controverted*, must yield to it."

The thing that really gave the doctrine urged by Mr. Tucker the slight standing that it has at isolated points obtained in our constitutional law was the spread of the dissolving theories of the "Great Nullifier," a circumstance which serves to bring out what had probably already become

¹ The scope and import of Article VI., Paragraph 2, were well understood by the opponents of the Constitution. See *Federalist*, 44 and 64.

² See *Annals of Congress*, Vol. II., Col. 1891, ff.

evident to the reader, that Mr. Tucker's doctrine is only a special form of the doctrine of nullification. The actual task of nullifying national authority is, so to speak, farmed out with the Supreme Court of the United States, but the supposed legal basis for doing this—namely, the vast, undefined, legislative powers of the States—remains the same. In the last analysis the doctrine is self-contradictory, since the right of the Supreme Court itself in taking appeals of constitutional cases originating in the State courts is a clear invasion of the reserved rights of the States.¹ Fortunately, therefore, not only for the treaty-making power and the powers of Congress, but for its own power as well, the Supreme Court has to-day returned to first principles. Of this such decisions as those in *Henderson vs. New York* (92 U. S. 279, 1875), *Minnesota vs. Barber* (136 U. S. 313, 1890), *in re Rahrer* (142 U. S. 545, 1891), the recent *Employer's Liability Cases* (*Mondon vs. N. Y., N. H. & Hart. R. R. Co.* 223 U. S.), the *Minnesota Rate Cases* (230 U. S.), and *Hoke vs. United States* (227 U. S.) furnish proof positive, to say nothing of a host of dicta.

Thus in the *Employer's Liability cases*, the Court was confronted with the now notorious decision of Chief Justice Baldwin of the Connecticut Supreme Court in the *Hoxie case*, in which enforcement had been refused the act of Congress on the ground of its disharmony with "the policy of the State." Strangely unaware as the Connecticut Court showed itself to be of the established canons of constitutional law, its view must, after all, be admitted to have been the inevitable one if the reserved powers of the States limit national power. But the Supreme Court of the United States no longer subscribes to this doctrine. The theory of the Connecticut Court was accordingly swept aside, in the following language taken from the National Court's earlier opinion in *Smith vs. Alabama* (124 U. S. 508, 1888):

The grant of power to Congress to regulate commerce . . . is paramount over all legislative powers which, in consequence of not having been granted to Congress, are reserved to the States. It follows that any legislation of a State, although in pursuance of an acknowledged power reserved to it, which conflicts with the actual exercise of the power of Congress over the subject of commerce must give way before the supremacy of the national authority.

And not less significant is *Hoke vs. United States*, in which the Court upheld the Mann Act forbidding the taking

¹ See *Hunter vs. Martin*, 4 Mont. (Va.), 1.

of women from one State to another for immoral purposes. The opponents of the act contended that, inasmuch as its obvious purpose was not to safeguard commerce, but the public morals, it represented an attempt by Congress to usurp the powers of the States. But the Court held unanimously that Congress, no less than the State legislatures, may exercise its constitutional powers for all the large recognized ends of government; that, in other words, though the *powers* of government are apportioned among us, its *objectives* are not. The decision expels the theory of infeasible State rights from its last angle.

To conclude: The reserved powers of the States comprise, loosely speaking, the sum total of governmental powers after the powers granted the National Government by the Constitution are counted out. The National Government may use *only* the powers thus granted it and, as the Tenth Amendment makes clear, has no "inherent powers." But in using its granted powers, which it may do for all legitimate purposes of government, it often brings under its control subject-matter that also falls to the control of the States in the exercise of their reserved powers. In *all* conflicts of authority thus resulting the States must give way because of the provisions of Article VI, Paragraph 2, which, when it is not read "under the prepossession of some abstract theory of the relation between the State and the National governments" (Justice Bradley in *ex parte Siebold* 100 U. S. 371, 1879), is perfectly explicit. In short, though national power is limited power, the reserved powers of the States do not furnish one of the limitations.

EDWARD S. CORWICK.

RELIGION FROM ANOTHER ANGLE

BY WALTER PHELPS HALL

THE physicians of the soul are many; they are also skilled in practice—revered bishops, pastors wise and trusted, clear-thinking laymen, a goodly company of distinguished men. Headstrong, indeed, is he who would confute their findings, pick flaws in reasonings profound, proclaim another sovereign remedy for the troubled spirit of his fellow-man. Yet the illness is a grievous one and still remains unchecked. And if they fail, to whom is given power, recognized authority, the poorest then among us may propose his plan, speak forth, if not with wisdom, yet with honesty.

Organized Christianity seems to-day on the defensive, its back to the wall. It has neither the prestige nor the power that it once had; its authority is slowly but steadily on the wane. To some extent statistics tell the story, and though in professional sleight-of-hand the ecclesiastical census man is all but the peer of the college registrar, even he cannot conceal the fact that in both the United States and Western Europe church membership has failed to keep pace with the growth of population. Furthermore, in all but a few instances, divinity schools are half empty, and this despite free tuition, free dormitories, heavy endowments. But the real weakness of the Church lies more in impotency of spirit than in stationary numbers. Indifference, disaffection, disbelief—these are the enemy within the gates, more insidious by far than the open foe. The army of the Lord numbers its tens of thousands, but a modern Gideon would lead but few against a host of Midianites.

The Church still finds support, it may be conceded, even from those who no longer consider its interests paramount. It is a traditional institution, and traditional institutions die hard. It affords a convenient outlet for superfluous

feminine energy; its services are at times restful and pleasant; it is something of a barrier against crime and social discontent. Many a man argues thus, perhaps unconsciously, and continues to pay pew-rent, if it is not too costly and business is good. He does not, however, often go to church, nor for its stability and growth will he make serious sacrifices. These are facts that most of us, willingly or unwillingly, recognize.

Neither the cause nor the remedy for this state of affairs is known. Diagnosticians abound, prescriptions are plentiful; but agreement there is none. In the columns of our more serious reviews one may study at leisure the widely variant character of present-day religious thought and emotion. The claims and progress of Roman Catholicism have been chronicled in consistent and somewhat triumphant fashion by Mr. Barry and Mr. Benson. We are assured by the one, although we are not altogether persuaded, that the papacy is a thoroughly democratic institution; by the other we are told, what we cannot altogether believe, that modern psychological science demonstrates the possibility, nay, the probability, of miracles. Many have spoken also for Protestantism, and if not with unanimity, at least with strong conviction. Christianity, Mr. Churchill affirms, is synonymous with good government, and the bewildered reader discovers that he is expected to argue the propriety of judicial recall in terms of Christian ethics. Mr. Nicholson pleads the cause of the institutional church, waxes eloquent and convincing on the causes that keep Smith from the sanctuary; but the picture of his seven-day-in-the-week edifice, with its mild social entertainments, boys' brigade, gymnasium, and other paraphernalia, is far from attractive. We are told why Smith should go to church and why he should not, how the church hungers and thirsts for the soul of Smith, how it can get along quite nicely without him. Out of the High Church corner comes a denouncement of Smith, based somewhat fantastically, be it feared, on the historic ground that money-making Smiths have exerted a baneful influence on the spirit of Christianity. From other directions, in the mean while, Smith is sturdily defended, his absence from the church and his admiration for God's great out-of-doors warmly commended.

Surely amid this variety of opinion every man should find his own nook and inglenook. Yet many men are not here repre-

sented. One great division, at least, of the religious family, has been left without spokesmen. Curiously enough, there has been no champion of the old Protestant faith in all its rigid purity. Even New England, the very rock and citadel of Puritanism's finest fighting stock, has naught to say in the chosen medium of its culture on behalf of that iron-bracing creed that helped to people a continent. It cannot be that creed is dead already—that calm and strongly founded faith in God the Father, and His immutable will toward man, that faith fast held by our fathers and oft regretted by their sons! Where are its defenders?

But there are men that fall into none of these categories to whom religion is a vital, even if somewhat elusive, reality—men whose names are by accident of birth, inheritance, or early choice enrolled on the lists of the faithful, but whose spirits chafe and are ill at ease. What is to be done for them? Their faith is in many cases a tangible thing, no mere bundle of idle negations or silly phantasies, but an affirmation precise, definable. They look the vital things of the life religious squarely in the face and realize that all is not well. The defenses of the Holy City are weak; what is the cause thereof? The breaches in the walls of Zion are growing wider; how may they be filled? To these questions there are many answers,—perhaps there will be to the end of time,—and thus it should be. No man may pledge a blind allegiance, nor for the sake of uniformity and peace forswear his honesty. Each for himself must clear his stand and formulate his creed, and this the writer tries to do, convinced that in so doing his feeling and experience is but the lot of many others.

Religion seems conditioned by two facts, one negative, the other positive. Negatively, the church must surrender all claim to ethical and spiritual authority. Man has come too far along the hard-fought way of liberty ever again to submit his conscience, or, if you please, his good calm reason, to a priest, or a book, or to any authority whatsoever. An independent and intelligent laity forms now its own opinion concerning divorce, race suicide, Sunday baseball, and a dozen other questions of practical ethics. No longer will it listen to ecclesiastical homilies on these subjects; nor be governed by authority or precedent, no matter how direct or how biblical. The man of to-day bases his ethics largely upon reason; the man of to-morrow will do so altogether.

Moreover, his theology, if he has any, will also be his own. Creeds Athanasian and Nicene may still exist; but if they do, adherence to them will be optional. The miracles of the New Testament will be received or will be denied, solely as the individual wills it. They will be interpreted literally, spiritually or otherwise, by every man according to the light that God has given him. No church will possess the seal of authority. No synod, classes, or convocation will presume to determine what man shall believe and what he shall not. These matters—the trappings and the suits of the life religious—are of concern to a few only. The ecclesiastical battle-flags of the bygone have not only become dusty; they have ceased to be battle-flags. Most of us care not at all whether there is a resurrection of the body or not. We may at times imagine that we do; we may occasionally whet up enthusiasm for old historic Christian dogma; but way down deep within our hearts we are indifferent and we know it.

In ethical and intellectual subordination to authority both Roman Catholic and Protestant should be heartily condemned. It cannot be believed that the Pope is vicegerent of God on earth, and as such is the ultimate source of authority in matters of faith and morals. Protestantism, on the other hand, has aided our intellectual development but slightly. History has so often emphasized the difference between Catholic and Protestant that their essential likeness has been overlooked. Certainly Luther remained till his death a thorough-going Medievalist; and the revolt which he headed left the great bulk of Christian doctrine untouched. It is true that the authority of a living church was destroyed; but that of an inorganic book was substituted, destined in time to be surrounded by as strict a taboo as ever was attached to a statue of the Madonna. Luther, in his unquestioned belief in the fall of man, in his explicit faith in the mystery of the Trinity, in his apocalyptic notions of the world to come, in his distrust and intolerance of the world about him, in his continual emphasis upon authority, lay and spiritual, in all of these things differed not a whit from Saint Thomas Aquinas or any other medieval doctor. Nor was Calvin more advanced; he abolished the eucharist, a rational mystery, and inaugurated on his own account those two colossal incomprehensibles, foreordination and election. It is the spirit of science rather than Protestantism that has broadened our mental horizon.

From the thirteenth century and the days of Roger Bacon to Darwin, Pasteur, Metchnikoff, and our own times, the scientific explorer has led humanity over the dismal quagmires of ignorance, traditionalism, and intellectual timidity. Religious leaders have taken comparatively little part in this process. And though one must admit that Protestantism has advanced far since Calvin's day, it has done so by accepting the inevitable rather than by bringing it about. It has swallowed Darwinism, but it first tried to kill it; it permits freedom of conscience, but still exacts what trifling conformities it may.

The first demand, then, is for unlimited freedom of conscience. This is a negative demand, entirely unreligious in its quality and substance, but a necessary condition or atmosphere by and in which religion must develop. Man's mind is the most precious of all the gifts of God, the very corner-stone of his life. Without it he is a lost soul. One might as well build cathedrals upon quicksand or battle-ships in the Sahara as to make a civilization without reason, and this all men know.

Equally essential is the second postulate of our religion—faith unqualified, complete, in the reality and power of unseen life. This faith is not belief, a thing assumed. It transcends belief, thought, reason, and the mind of man; it simply is—a surging tide of infinite desire. To feel this thing, to know it, and to trust it, involves no wide acquaintance with the lore theological. Nor does it imply spiritual insight of a rare, unusual order. It knows neither class nor rank; it is as much at home in the palace as in the mining-camp, in the university as in a cottage. No emotion in the whole gamut of human experience is more widespread, no consciousness more catholic. Yet, though it encircleth the world and reacheth up its hands unto the stars, it is as fragile as the frailest glass, as tender as the most exotic blossom. It cometh to man as out of a cloud and departeth as a rainbow. Seek diligently for it and it may be found. Neglect it and it is lost. Guard, cherish, and watch over it, and one's life is filled with radiance, one's heart with courage, and one's soul with song.

Translated into terms of every-day living, this mysticism makes for many concrete things. It offers strength to the sick, buoyancy to the oppressed, and to all men hope. The proof of this is beyond cavil. Psychologists, Christian and

non-Christian alike, bear witness to the power of prayer. The relationship of the different parts of the Trinity one to another may seem a distant thing, but we know that courage comes with prayer. Apostolic succession or forms of baptism may seem but curious survivals of half-forgotten lore, but we know that peace and quiet come with prayer. The regulation of the liquor traffic and the status of all vested rights of property may seem, perhaps, purely ethical questions, to be decided by our own good brain without reference to religious sanction, but we know that courage comes with prayer. Even William James, the founder of our modern pragmatism, assures us of this truth in his wonderful essay, "The Energies of Men," and quotes in further substantiation a distinguished British physician as follows: "The exercise of prayer in those who habitually use it must be regarded by us doctors as the most adequate and normal of all the pacifiers of the mind and calmers of the nerves." So strong, so potent is this influence that even belief in its efficacy is not always necessary, and he may sometimes reap the benefit who has no faith at all. The purely physical repetition of the Lord's Prayer upon one's knees in a darkened room has physically aided those who, though pure skeptics, tried the treatment because prescribed. But these are matters for the psychologist and physician. The fact that they sustain is one that needs no argument; the proof we find within us, positive, unanswerable—as that of honor, beauty, love, and other verities eternal.

The phenomena of religion, like those of electricity, evade definition; but of the reality of both forces there is no question. Furthermore, both are subject to regulation and control; both, if wisely governed, are of inestimable service; both, if unchastened and unregulated, are inimical to human welfare. Electricity may be measured and directed with absolute certainty. Religion also may be thus tested, though, be it admitted, less accurately, its current increased or diminished by well-known and proven methods. Where may they be found; how far are they exemplified by churches that we know of; what possibility does the future hold for their enrichment or enlargement? To these questions there is no final answer. The love of Saint Francis for the swallows is one in quality with the vision of the Delectable Mountain; the imprisoned Baptist tinker and the humble brethren of Assisi knew the same God. Their religion may be found

anywhere; on the street corner with the Salvation Army, in the cool, spacious mosque, or on the mountain slope.

Yet many of us, though non-Catholic, find it more readily in Catholic churches. A prerequisite of mysticism, and shall we not say of religion itself, is peace and quietness. But peace and quietness are very subtle things. They depend not simply on the ear. The eye also is involved, and if the church be bright and cheery as many Protestants would have it, calmness and complete serenity are gone. This is not merely a question of taste; it is a psychological fact. Even as the night is quieter than the day, so are subdued lights more quiet than their opposites. Furthermore, man is an animal with several senses. To convey to him spiritual electricity in its strongest current each sense must do its part; each sense attune itself to be a good receiver. It is not enough that we should hear the words of Zion. We must needs see the altar of the Most High God; taste of the sacramental bread and wine and smell the high-ascending incense. Great also are abiding influences that ritual brings, the impress that it leaves upon the mind, deep-touching, permanent. By constant, solemn repetition deep grooves are worn in upon our consciousness that cannot come in other ways. Why should we not justly share in this great heritage of the ages past, robe, as of old, our priests in white; and, even as they who worshiped Isis and Osiris, burn sweet incense still before the sacred shrines? The most complete and soul-satisfying mystery that man has ever witnessed is the Mass. There one may see portrayed again and again in simple and dignified manner the two big facts of spiritual life—death and rebirth, rebirth and death. From the confiteor to the post-communion there lies before us an allegory, more impressive by far in the beauty of its simplicity than the winged words of the gifted preacher. Must we acknowledge the pretensions of Saint Peter's see before we enjoy the ritual for which it stands sponsor?

But, it may be said, this spiritual gift, this mystical buoyancy, may be gained otherwise. This is true; but in no other way may it be had so readily. The personality of a Spurgeon or a Phillips Brooks may leave an imprint on the soul of man the same in quality as the Mass. The Mass, however, may be found everywhere, a Spurgeon or a Brooks but rarely. The Quakers had this thing, this mystic *quantum*; and for a while it seemed as if they had solved the problem.

Was their failure due to the impossible character of their undertaking, to their ignorance of the many-sided influences that play upon life? That no man can say; but this is certain: the Mass lives on to-day, the Quaker faith lies moribund.

Some realignment of religious values there must be, or else year by year the number of the discontented grows apace. Can we not take to ourselves the emotional richness and mystical content of Catholicism while steadily denying its ethical and intellectual suzerainty? Can we not render generous acknowledgment to whatever independence of spirit comes as our Protestant birthright while quietly insisting that we will no longer endure a church devoid of altars, candles, incense, mystery?

Four hundred years ago, the blessed Sir Thomas More described in his *Utopia* a church dark, spacious, quiet, where naught is taught of creed or dogma. As the first English translation of the *Utopia* quaintly tells us:

"Their churches be very gorgyous and not oneley of fine and curious workemanship, but also (which in the fewness of them was necessary) very wyde and large and able to receive a great company of people. But they be all somewhat darke. Howbeit, that was not done through ignorance in buylding, but as they say by the counsell of priestes, because they thought that overmuch light doth disperse men's cogitation, whereas in dimme and doutefull lighte they may be gathered together. . . . They burn frankinsense and other sweet savours and light also a great numbere of wax candles and tapers, nott supposing this geere to be anything available to the divine nature, as nether the prayers of men, but this unhurtful and harmless kind of worship pleaseth them, and by theis sweet savours and sightes and other ceremonies, men feel themselves secretly lifted up and encouraged to devotion with more willynge and fervent heartes."

Thus thought Sir Thomas; but in the bitterness and strife that marked the Protestant revolt his plan found few supporters. The storm and tempest of his day left little room for tempered thoughtfulness; and since he was not partisan enough for any man, the wise and patient Chancellor of England was beheaded. But his church, true catholic, still is dreamed of. Within its reasoned loveliness some day perhaps mankind may find tranquillity and peace.

WALTER PHELPS HALL.

THE MENDACITY OF HISTORY

BY JAMES WESTFALL THOMPSON

IN *Memorials of a Tour in Italy*, Wordsworth speaks of

Those old credulities, to Nature dear,
Shall they no longer bloom upon the stock
Of History?

He is speaking of the fragmentary survivals of ancient cults among the peasantry of Italy. One may, as appositely and with less tenderness, allude to another class of credulities—not to say distortions—of history which still flourish. For, to borrow a phrase from an astonishing sentence of Ruskin, the “splendid mendacity of man” is a thought which is continually driven home upon the student of history.

No allusion is now made to the numberless “fictitious narratives,” of which the world has had so recent an example, nor to literary and historical forgeries like those of Annius of Viterbo or Chatterton, but to the credulous beliefs of thousands who possess a considerable knowledge of history concerning well-known and important events. Napoleon’s terse *mot* that “History is a lie agreed upon,” and Walpole’s protest, “Anything but history, for history must be false,” are not without grounds. From antiquity down, the pathway of the reader of history is filled with the pitfalls of popular misbelief. Ages ago Plutarch complained of the difficulty of finding out the truth of anything.

Since the rise of historical criticism in the cloisters of St.-Maur and St.-Germain-des-Prés; in spite of the labors of the great Benedictine scholars of the seventeenth and eighteenth centuries, who did so much to enlarge the glory of scholarship in the age of Louis XIV. and the *Ancien Régime*; in spite of the wondrous work done by the Bollandists and those Italian prodigies of learning, Mansi and Muratori; in spite of the penetrating research of a long line of patient investi-

gators in Europe and America who have applied the principles of historical criticism so inspiringly taught by Ranke—men like Waitz, Sybel, Dahlmann, Scheffer-Boichorst, Holder-Egger in Germany; like Monod, Lavissee, Havet, and Coulanges in France; like Stubbs and Creighton in England, or the late Professor E. G. Bourne here in the United States—in spite of the labors of such as these, the field of history is still full of false and erroneous ideas.

“A fact is neither more certain nor more probable for being found in a great number of new authors, who have copied it one from the other,” was wisely observed by the old Abbé Fleury long ago. Yet each succeeding generation perpetuates the errors of its predecessor. Every teacher of history knows how persistent and broadcast is the spread of false historical ideas. A considerable portion of the time of every teacher has to be spent in the uprooting of mistaken notions which have found lodgment in the minds of his students. And the discouraging feature of such education is that from generation unto generation of college classes, these errors are to be found, so that the ground has to be cleared anew each year.

Modern scholarship has revolutionized the history of the persecution of Christianity by the Roman government and exploded the old ideas as to the origin and use of the catacombs. Yet the false or exaggerated beliefs of uncritical and prejudiced writers and the sentimental conceptions of “historical” novelists still persist with almost unabated vigor in the popular mind.

The same observation holds with reference to the relations of the German barbarian nations to the Roman Empire. The all-too-prevalent belief that the Germanic movement was a vast flood of barbarism that engulfed the ancient world has little basis in reality. The Great Migration—what the Germans have called the *Völkerwanderung*, was not an inundation. If one wishes to use the metaphor of flowing water in illustration of it, the barbarian invasion, so called, was rather an infiltration into the Roman Empire, by the gradual seeping in of Germanic peoples and barbarian influences. The Migration filled five centuries of history and was a slow and gradual process, not a huge *débâcle*. The Germans entered the empire as settlers in the waste lands, as soldiers, for Rome for centuries recruited its legions from the peoples in the wilderness east

of the Rhine and north of the Danube, as artisans, as slaves who had been captured in war. But warfare was the exception, not the rule, along the Rhine-Danube frontier. The Roman Empire declined far less from the shock of invasion than from the operation of economic and social forces within it.

The belief that the Germans were actuated by violent hostility to the Roman Empire and destroyed it in their savage wrath is a creation of the seventeenth century and is due to La Fontaine. The actual germ of La Fontaine's idea was a Spanish book, written in 1529 by Antonio Guevara, a Spanish bishop. It is a romance of the days of Marcus Aurelius, which Herberay, the Seigneur d'Essars, translated into French in 1576 under the title *L'Horloge des Princes avec le très renommé livre Marc-Aurèle*. This book, which is in no sense a work of history—was the source of La Fontaine's famous "Paysan du Danube," an epic fragment filled with the sentimentalism that so characterizes the poetry of the great fabulist. Here for the first time the type of the German enemy of Rome appears.

From La Fontaine, this new type of German passed into the thought of Europe, first into its literature, then with Montesquieu into its history. The very history of the word Gothicism is a commentary upon the historical misapprehensions of the eighteenth century. The epithet "Vandalism" was coined by Gregoire during the French Revolution. Then came the Romantic movement which popularized the new interpretation of the Germanic migration, most of all Byron. How many English readers' idea of the relation of the Germans to Rome has been formed upon the famous stanzas which portray the dying gladiator?

The great fables of medieval history, like the legend of Pope Joan; the tale that Gregory the Great destroyed the Palatine Library of the Cæsars; the burning of the Alexandrian library by Omar; the spurious Donation of Constantine; the legend—of modern origin, singularly enough—that medieval Europe believed that the world would come to an end in the year 1000; the romantic story of Blondel the minstrel, and the captivity of Richard Cœur de Lion; the story that the preaching of Peter the Hermit fired Europe in the First Crusade; the legend of William Tell; the devotion of Eustache de St.-Pierre during the siege of Calais in 1347—all these beliefs have long since been disproved.

The legend of Pope Joan is first alluded to in a chronicle written by Jean de Mailly, a Dominican of Auxerre about 1250. The first historian who attacked the fable was Blondel in the seventeenth century, and Döllinger has effectually disposed of it.

The statement that Gregory the Great destroyed the Palatine Library of the Cæsars, founded by Augustus—a statement which Draper had the hardihood to repeat as late as 1861, is first met with in the *Polycratica* of John of Salisbury, who died in 1180, while Gregory I. died in 604. Even Gibbon, who was not partial to churchmen, declared that “the evidence of his destructive rage is doubtful and recent.”

There were two Alexandrian libraries. The first, which was founded by the Ptolemies, and is said to have contained 700,000 rolls of manuscript, perished in the conflagration of the city when Cæsar attacked the fleet of Antony and Cleopatra in the roadstead of Alexandria in 47 B.C. The fate of the second collection, which was partly of pagan, partly of Christian origin, is almost as much shrouded in obscurity as that of the Palatine Library. It may have been destroyed during the great riot between the orthodox and Arian factions in 389, when the Serapeum, which is said to have housed it, was burned. It can hardly have had the wasting fate that perhaps befell its Roman rival, and it is certain that Omar's iconoclasm is a myth. With Gibbon's judgment modern historical scholarship concurs.

“The solitary report of a stranger who wrote at the end of six hundred years in the confines of Media is overbalanced by the silence of two annalists of a more early date, both Christians, both natives of Egypt, and the most ancient of whom, the patriarch Eutychius, has amply described the conquest of Alexandria.”

The legend of the year 1000 concerning the termination of the world is of particular interest because it is of very late formation. There is no such thought in the chroniclers who lived at the time when this terror is said to have obtained. Contemporary annalists from the year 975 to 1050, Italian, German, French, English, all are silent upon this point. The private life of the best-known persons of this epoch gives no indication. There is not the least allusion to the terrors of the year 1000 in any biography of the time. Even the biographer of Robert the Pious of France, whose

reign (997–1031) coincides with the memorable date of the year 1000, is silent. Michelet and his school make much of the preamble of charters and public acts of the time. But it is important to remark that these formulas, *Mundi termino appropinquante*, etc., were not invented in the tenth century, but had been common legal usages in various parts of France for centuries past in the execution of wills and similar documents. All the general information which we have relative to the last years of the tenth century demonstrates that Europe had no anticipation of the end of all things. On the contrary, in the ten years which immediately precede the year 1000, the councils of the Church were numerous, and there is no allusion to the alleged event in the findings of any one of them.

That favorite romance of our childhood, the story of the rescue of Richard Cœur de Lion, a hero dear to every reader of Scott's *Talisman*, rests on as infirm a basis. No chronicler of the time of Richard, or until four centuries later, speaks of the incident. The earliest mention is in a manuscript of the late fourteenth century. From this source the tale was first given currency in print by Fauchet, an antiquary of the time of Henry IV., in 1610. Blondel slept in Fauchet's dusty folio until 1705, when a clever French authoress, Mlle. Lhéritier de Villandon, published *La tour ténébreuse*, a romantic novel, in which she embellished Fauchet's source with inventions of her own.

It was in this novel that Sédaine found the theme of his opera, "Richard Cœur de Lion," first presented on April 21, 1784. The opera of Sédaine and the music of Gretry made the tale popular. Goldsmith is the first historian—if he may be so styled—who mentions the incident as a fact, though Wharton had independently come upon the account in Fauchet and given it currency. From these pages the story of Blondel passed into greater historical works like Mill's *History of the Crusades*, Michaud's *Histoire des Croisades*, Raumer's *Geschichte der Hohenstaufen*, and Martin's *Histoire de France*.

As far back as the middle of the eighteenth century Fleury wrote:

For more than a century we have been disillusioned about the Crusades, and they are no more spoken of as a war against the Infidel, except in the writings of some authors more zealous than intelligent, and in the allusions of poets when they wish to flatter princes. Men of sense, enlightened by

experience of the past and understanding the causes, clearly see that in these enterprises there was more to be lost than to be won, and more for the temporal than for the spiritual.

Yet an immense amount of erroneous belief still persists as to the Crusades, although no well-informed person to-day believes, or should believe, that the preaching of Peter the Hermit caused the First Crusade. Peter never had visited Jerusalem as claimed; his career was stained with violence and fraud; he was a poltroon and a charlatan. Modern historical research has left him a very dingy halo.

As to William Tell, only the most credulous of Swiss tourists believe in him. The story first appears in the sixteenth century. There is no record of a Gessler among the Hapsburg bailiffs. Moreover, the essential features of the legend are common to Norway, Iceland, Denmark, Holstein, the Middle Rhine, and England. The resemblance of the story to the narrative of the twelfth-century chronicler Saxo Grammaticus is striking.

The famous episode recorded by Froissart, of how Eustache de St.-Pierre and his devoted townsmen saved Calais from the wrath of Edward III. must also be consigned to the limbo of fable. The French scholar Bréquigny, in the eighteenth century, discovered in the archives of London evidence to prove that he was an English partisan and in receipt of an English stipend.

Modern history, in like manner, has been purged by the fire of historical criticism. The universal belief of the Protestant world of the sixteenth century that the Massacre of St. Bartholomew was premeditated is without foundation. The Grand Design of Henry IV. was a figment of the dotard brain of the Duke of Sully; the genuineness of the memoirs of Richelieu and Père Joseph is seriously doubted, and the memoirs of Talleyrand are a fabrication. Tilly was not responsible for the firing of Magdeburg and the awful destruction that ensued. Louis XIV. never used the famous words, "*Il n'y a plus de Pyrénées.*" The Spanish ambassador Castil dos Rios said something like it, and La Beaumelle, later, attributed it to the King. Even Voltaire, although Madame Deffand cast upon him the reproach of inventing history, was not deceived by this tale.

The epoch of the French Revolution, perhaps more than any other period of history, teems with popular misappre-

hension. The traditional belief as to the abuses obtaining in the Bastille is a myth; *lettres de cachet* (writs of arbitrary arrest) were not issued in blank, and the monstrous abuse of police power for which the government of the *Ancien Régime* has so often been arraigned was not practised, in point of fact; the *Pacte de Famine*—the reputed attempt of certain ministers of the crown under Louis XV. to “corner” the wheat supply of France in the hard times immediately prevailing before the Revolution—is a bubble of the imagination; the famous Last Night of the Girondists during the Reign of Terror is a creation of fiction; the Terror government never proscribed Christian worship in the churches of France, or abolished Christianity. Cambronne did not utter the famous phrase, “*La garde meurt et ne se rend pas*” at Waterloo, although history attributes it to him and it is graven on the pedestal of his statue. M. Henri Houssaye’s interesting little book, *L’Histoire d’un mot célèbre*, disproves it, and Cambronne himself ever denied it. The resounding word was coined by a happy phrase-maker, a newspaper man of Paris named Rougemont, on the very evening of the battle, and was printed in *L’Indépendant* on the following day.

The erroneous ideas prevailing with reference to the history of the Bastille are based exclusively upon three books, no one of which is worthy of the least credence: the *Inquisition Française ou Histoire de la Bastille* (1715), by Constantin de Renneville, the *Mémoires de Latude* (1790), and the *Mémoires sur la Bastille* of Linquet (1783). Of these three authors, the first was an agent of the French Government in Holland, who sold secrets of state, was tried, convicted, and sentenced to death, but whose sentence was commuted to imprisonment in the Bastille by Chamillart, the French Minister. He was set at liberty after the Treaty of Utrecht in 1713 and took refuge in England, where he wrote five huge volumes full of lies and calumnies, not only with reference to the Bastille, but also with reference to the Court and all France. His statements have been refuted, page after page, by the witness of original documents. As for Latude, he was a lunatic, and Linquet was an unprincipled journalist, an ex-advocate who had been disbarred.

The truth about this famous place of imprisonment in the eighteenth century is quite different from what is usu-

ally believed. The Government did not use it as a place for criminals, and its inmates were confined there for reasons of state interest only. It was no dishonor to be imprisoned there. In fact, as the *Mémoires* of Madame de Staël show, imprisonment in it was not altogether a misfortune, for the victim became a nine days' hero and was sure of pleasant company, for the Bastille was a prison reserved for members of the aristocracy, the clergy, and high-class bourgeoisie. Upon its registers are to be found some of the greatest names of France, princes of the blood, cardinals of the church, marshals, illustrious writers.

The use of torture had been abolished in the Bastille in the seventeenth century, and when it was captured in 1789 by the mob no vestige of its employment was found. The government was exceedingly indulgent, allowing prisoners to have their own servants with them, whose keep it not only paid for, but even paid their wages. The relatives of a prisoner were sometimes permitted to stay with him in order to lighten his confinement. In 1693 Madame La-fontaine, thanks to the compassion of the governor, was permitted to have her husband and a servant with her.

The appropriation for the care of the prisoners was most generous, and graduated according to their social scale. For example, the governor received five livres per diem for a bourgeois, fifteen for councilor of Parlement, twenty-four for a general of the army, thirty-six for a marshal of France. When Cardinal Rohan was imprisoned there for his part in the famous affair of the Diamond Necklace, the governor was allowed one hundred and twenty francs per diem for his upkeep. The very fact that such a schedule existed is proof positive as to the class of prisoners. As to the daily fare, it is safe to say there was no prison like it in Europe. Renneville, although he disparages the *Ancien Régime*, admits that he had champagne and burgundy to drink, and hare and lobster to eat. Even Linguet, in spite of his wish to portray the suffering of the inmates of the Bastille, admits that the daily fare was good and abundant. Every morning the *chef* presented the *menu* to the prisoners for their approval. Finally the king clothed those prisoners who were too poor to clothe themselves, and they wore no prison uniform. We read of dressing-gowns trimmed with furs, of colored breeches, of silk doublets, of shirts that cost more than forty francs of our money,

and good linen handkerchiefs. The *commissaire* was officially instructed to consult the taste of each prisoner as to the color, the cut, and the fashion preferred. The government even furnished pocket-money and tobacco to indigent prisoners. In their rooms the prisoners used to have pets of all kinds—cats, birds, dogs—and sometimes used to get up theatricals or musical entertainments among themselves. If a prisoner was ill, he was furnished free medical attention, or could have his private physician, if he preferred. One day when the Cardinal Dubois was examining the report of the governor, he remarked upon the unusual quantity of lavender allowed the prisoners, to which the Regent replied: “It is their sole distraction. Don’t take it away from them.”

During the whole reign of Louis XVI. the famous prison did not average more than sixteen prisoners a year, and most of them were only incarcerated a few days. From 1783 to 1789 the Bastille was so nearly empty that the government seriously considered closing it entirely. From January 1, 1789, to July 14, but one prisoner was admitted.

When Delauney surrendered at discretion on the famous day, the wild fury of the mob endeavored to wreck the structure within and without. The *Moniteur* describes how “*Un corselet de fer inventé pour rétenir un homme par toutes les articulations et le fixer dans une immobilité éternelle*” horrified the crowd, when as a matter of fact what the eyes of the maddened populace really saw was nothing but the corselet belonging to a suit of mediæval armor that had once belonged to a collection of ancient arms in the Bastille. Likewise we are told of a machine “*non moins destructive, qui fut exposée au grand jour, mais personne ne put en deviner ni le nom, ni l’usage direct.*” As a matter of fact, the “fearful contrivance” was a little wooden printing-press that had once belonged to a prisoner named Lenormand, and had been seized by the government as evidence? Finally, at the bottom of one of the bastions, the crowd found the bones of some suicides which had been interred there, as was natural, since the law of the church forbade their interment in consecrated ground. But these remains were not so regarded by the excited populace of Paris. The Abbé Fauchet pronounced an oration upon these unknown “victims” of Bourbon tyranny, and Mir-

abeau uttered the terrible words: "*Les ministres ont manqué de prévoyance. Ils ont oublié de manger les os!*"

The romantic aura hovering around the history of the Girondists must be considered as for ever annihilated since the appearance of M. Edmond Biré's *La Légende des Girondins*.

It was inevitable that fiction should seize upon their history. In 1831 Charles Nodier published the *Dernier Banquet des Girondins*, a work of pure imagination, but full of passion and flaming eloquence, which founded the legend of the banquet. Contemporary memoirs make no allusion to it.

Honoré Ricuffe, the author of the *Mémoires d'un Détenue*, was imprisoned with Vergniaud, Brissot, and others, and has left us a circumstantial account of their last hours. There is not a word in his writings of the alleged banquet of the Girondists. There is no trace of it in the Revolutionary newspapers. Sixteen years later the drama further distorted history. On August 3, 1847, the famous play, *Le Chevalier de la Maison-Rouge*, of Alexandre Dumas, appeared, in which the last banquet is the climax of the play.

In the same year both Louis Blanc and Michelet published the first volumes of their respective histories of the French Revolution. Each, in writing of the Girondists, followed the tradition, Michelet in particular, who was the first to give the authentic word to the Last Banquet, which really has no place outside of the novel of Charles Nodier.

Finally the wreath of honor and the crown of martyrdom were conferred upon the Girondists by Lamartine in his famous *Histoire des Girondins*. As an example of how history should not be written, these eight volumes are classic. Errors of fact abound; contradictions are to be met with upon almost every page; the Girondist leaders are cast in heroic mold and represented as a sacrifice to the implacable Montagnards. The work is a panegyric abounding in passages of dithyrambic intensity, in word pictures of wondrous color and of such marvelous eloquence that the reader is so enthralled that he fails to see the historical errors and the intense partisanship of Lamartine.

The revolution of 1848 confirmed the Girondist legend in the popular imagination. When the Orleanist monarchy was overthrown, a new republic came into being with the

“Chant des Girondins” as its “Marseillaise.” The striking popularity which Lamartine at this moment enjoyed metamorphosed the leaders of the Girondist party into figures of heroic proportions. The press, the university, and every public orator lauded their deeds. Ponsard, on the stage of the *Théâtre* transformed the Girondists’ leaders into the heroes of Corneille, and made of Vergniaud a new Cid.

Thus we see that the liberal democratic school—the Revolutionists of 1830 and 1848, historians, dramatists, and novel-writers of the Romantic school—had all united to erect the memory of the Girondists into a cult. Even monarchist historians of the Second Empire, like Barante and Mortimer-Ternaux, were deceived into believing the legend to be actual history, and drew their interpretation of the course of the Girondists from the pages of Michelet and Louis Blanc.

Lamartine tells us that he had seen with his own eyes the inscriptions written upon the walls of their prison; that he had touched with his own hands letters written by the hand of Vergniaud and with his blood. Michelet also saw these, unless perchance he was content to copy Lamartine. But the tradition which inspired Lamartine and Michelet was completely in error. Neither Vergniaud nor any of the Girondists were imprisoned in the Carmes immediately before their appearance before the Revolutionary tribunal. Grannier de Cassagnac has traced the itinerary of twenty-one of them in detail through the prisons of Paris, and their course is clearly to be followed in the official registers of the prisons. All were imprisoned in the Conciergerie, the Abbaye, La Grande Force, or the Luxembourg. Not a single prison register records the incarceration of any Girondist in the prison of the Carmes, and the records of this prison make no mention of them there. The famous inscriptions in the Carmes are, therefore, not to be attributed to Vergniaud and his fellows.

The “*Potius mori quam foedari*,” that courageous Breton motto of the Middle Ages, attributed to Vergniaud and written “*avec du sang*,” according to Lamartine, is actually written in ink, which has reddened through oxidation. The extract from a passage of the *Imitation of Christ*, in which Lamartine claimed to recognize the handwriting of the Abbé Fauchet, is simply an inscription painted upon a board. Undoubtedly it was a possession

of one of the sisters who had formerly occupied the convent.

We come now to the tradition of the Last Banquet. "Their last night," says Thiers, "was sublime." Lamartine in his turn lavishes upon this scene all the colors of his incomparable imagination. Michelet is more restrained in his description, but he, like Lamartine, is writing romance and not history. In one point he is curiously particular. He assures us that the dinner was provided by a friend, whose identity is revealed by Lamartine and Charles Nodier. He was Baileull, a colleague of the Girondists in the Legislative Assembly, who was proscribed with them, but escaped death. But Baileull was imprisoned from October 9, 1793, to August 8, 1794. Obviously, he could not have been able, on October 30, 1793 to provide his friends with the repast which they are reputed to have enjoyed. As Grannier de Cassagnac truthfully observes: "This banquet, these wines, these flowers, these candles, these speeches, everything, in short, is purely and simply a fable."

If the reader who has followed thus far wishes to pursue the thread of this discourse, let him read M. Anatole Le Braz's charming study upon Châteaubriand entitled *Au pays d'exil de Châteaubriand*. M. Le Braz has attacked the question of Châteaubriand's exile in England, and the reader will find that in his life there, as Châteaubriand has written it, there is more of *Dichtung* than of *Wahrheit*.

The mists of time transfigure. It is the nature of the human heart to weave traditions and legends around men and events. For, like Wordsworth's "Reaper," we all of us at times find charm in

Old unhappy far-off things,
And battles long ago.

And yet, is there not as great a charm in that exquisite presentation of the truth which is, as Fustel de Coulanges finely said, the chastity of history? "Human affairs," said Richter, "are neither to be laughed at nor wept over, but to be understood."

JAMES WESTFALL THOMPSON.

MADAME DE STAËL

BY FLORENCE LEFTWICH RAVENEL

ONE of the subtlest of recent critics, Mr. Paul Elmer More, has suggested a new theory of the feminine genius, which has at least the merit of setting the woman's gift clearly and sharply apart from that of the man. From his analysis of Christina Rossetti—a wonderfully penetrating and sympathetic study, by the way, of that rare and elusive spirit—Mr. More concludes that the peculiar passiveness of her mental attitude, her joyless acquiescence—the “everlasting yea” with which she meets the hard decrees of Fate and the tyrannous demands of life—make of this singer of lovely dirges the most perfect and satisfying type of genius in woman.

And though, at first sight, this judgment might seem but an unwarranted generalization of the critic's own fastidious and academic taste, yet there are not wanting intimations that his view is shared, more or less consciously, by men of quite other sorts and conditions. For man, with his urgent impulses and passions, has always loved to think of woman as in all things ideally his opposite—the embodiment of that dream of serenity and peace, of unruffled calm of flesh and spirit, which he is destined to long for and to seek after but never to find.

After all it would seem that this is a question of fact and not of theory. Our query is not, Does this idea satisfy a deep craving of the masculine heart, and establish a more perfect symmetry, so to speak, in our conception of the respective qualities of men and women? but, Is it *true*? *Have* those women who have graven their names most deeply in the heart of the race—have they been great by virtue of this spirit of resignation—of a passive acceptance of the established order of things and their own part in it?

Mr. More's estimate of Christina Rossetti needs, I think, no qualification. In her, as in her brother, the mingling of

two different strains has resulted in a talent of unique distinction. For sheer depth and purity of poetic inspiration, combined, as this is in her best work, with a complete mastery of her peculiar medium of expression, I know not her peer among women. Nor is she quite alone of her species. There are others who, set apart by the law of their own nature from the noise and hurry of the active world, have wrought out for us in solitude and silence the substance of their vision of life. Of Eugénie de Guérin we must all think—another creature of twilight and shadow—of strange renunciations, of unexplained but unquenchable tears! But even so, dare we affirm that this their spirit of “surrender to the powers of life” is indeed the most elemental note of the feminine genius? There is surely another type of greatness, another feminine attribute, to which at least an equal place belongs. That quality, I mean, which has made of the woman, in soul as in body, from the beginning of time, the “Mother of all living.” Joan of Arc, with her “visions” and her “voices” for the night; her sword, her armor, and her intrepid front for the noonday; St. Teresa rousing herself from rapt contemplation of ineffable mysteries, to intrigue, dispute, contrive like the wildest Jesuit for the privileges of the order she had founded—what were they, after all, but incarnations of the spirit of motherhood—protecting, brooding; by turns tender and terrible, fulfilling toward a larger world, with its greater needs, an office not unlike that of humbler mothers everywhere.

One might, indeed, reproach the woman with the lack of those very qualities in which Mr. More finds her peculiar strength. A certain incurable haste and fever, an incapacity to sit apart and wait until the time is ripe; a perennial immaturity and lack of finish—in these her critics have been wont to see the fatal weakness of woman’s work. But I should be bold to claim for the truly representative women of all ages a great unselfishness—an obsession with the wrongs and sorrows of mankind, a passion to help and succor, which many faults and imperfections cannot surely discredit or outweigh.

In other words, it seems to me that genius in a woman is more nearly allied to and dependent on personality than in a man; so that it is very much harder for her to be great in spite of *herself*—of her character—than for him. Goethe’s well-reasoned, deliberate, and unrelenting egoism and cold-

ness of heart are unthinkable in a woman—allied as they were in him with a real benevolence, unerring judgment, and a truly God-like vision of men and things. No, we must be content to have on the one hand a Christina of Sweden, or on the other a St. Teresa—we shall find no combination of the two.

And therefore the woman of past times is, as a rule, much harder to know than the man. Few women have left to posterity direct and tangible proof of their intellectual and artistic achievements. For the most part, their fame comes to us as an echo—a rumor passing down from age to age by the fragmentary and uncertain witness of men, whose praise or blame takes on, in the lapse of centuries, a strangely hollow and artificial tone. The great masterpieces of men stand, as they must, in their own strength, but, lacking these, who shall reproduce for us the magic of the woman's look and voice and gesture?—that once set throbbing the heart and brain of whole generations—and now, alas! is dead even as they are. With few exceptions the woman's genius survives, if at all, only as it is reflected in the hearts and imagination of men.

Among the few women whose literary productions have claimed, and perhaps deserved, a permanent place by the sheer force and originality of the ideas they convey, no one can be compared, I suppose, with Germaine de Staël, born Necker, the daughter of Swiss parents, though herself born in Paris, 1766.

This little Protestant girl was born into a strange world. Audacious theories, bold speculations, are not in themselves alarming, but here was a society which stood ready to translate its wildest dreams into every-day fact. It was this child's lot to be born when and where the current of modernism was strongest and most turbid. It was the France of the Encyclopedia, of the *Contrat Social*, and of the famous salons; the France still of Voltaire and Rousseau, and soon to be the France of Robespierre and the "Terror." And the words "born into this world" may here be taken almost in their literal sense, for at four years old the small Germaine was already, we are told, a well-known figure in Mme. Necker's salon, and the vision of the tiny, quaintly dressed baby, seated among the guests on her own low stool, is not more humorous than pathetic, especially when the little image one day opens its mouth and launches full in the face

of the most distinguished person present, so runs the story, the ominous question, "M. de Marmontel, what, pray, do you think of love?" Even in childhood this child thought too much of love. The romantic attachment of M. and Mme. Necker was proverbial in frivolous, cynical Paris—the more so, perhaps, that Mme. Necker's character was to the last degree antipathetic to the French, and a dream of married happiness such as her parents had known haunted Germaine throughout her whole career, an ideal which had about it always a taint of the morbid—not to say of the mawkish. Not for nothing had she been a daily witness of the excessive self-effacement of the wife, of the laborious, almost anxious tenderness of the husband. It was all admirable in its way, no doubt, but it was *their* lot; it was never to be hers, though the memory of it, the longing for it, were perhaps the underlying cause of some of her most fatal errors in the conduct of her own life, as well as of the tone of melancholy and disillusionment which is never far below the surface of her most enthusiastic mood.

That famous saying of hers, "Glory can never be for a woman anything save a splendid mourning garb, worn for the happiness she has lost," is a striking bit of picturesque phrasing. It has served as text for many an exhortation against the ambitions of women, for whom "glory" was the last and remotest of perils. But the worst of it is that the maxim is not *true*. It was not true for Germaine Necker; for glory, *real* glory, remains after all, as Renan has said, "that which in this world is least likely to prove to be vanity," and at her heart's core no one knew that better than she. The life of the affections alone would not have satisfied her; and how can we picture the woman who for fifteen years steadily resisted the will of Napoleon himself—how can we fancy her spending her days in contented obscurity, in the shadow of a husband, however excellent and devoted? She was much better—nay, much happier—in her high and courageous loneliness.

Moreover, no woman ever lived who would more thoroughly have enjoyed and profited by the modern freedom and rational independence of her sex than Germaine Necker. Her claims to good looks or physical attraction of any sort were of the smallest, though her biographers would fain persuade us of the contrary by dwelling upon the power and beauty of her great, dark eyes, upon her shapely

hands and arms and stately carriage. If she could have been set free once for all from that inordinate appetite for admiration, for approbation, which laid her bare to every random shaft of ridicule and malice, many rough places might have smoothed themselves, many crooked paths grown straight before her feet.

But theoretically, at least, she adhered all her life to her mother's maxim: "It is the man's place to brave public opinion, the woman's to submit to it." Mme. de Staël remained always the "great lady" of genius.

To the mere looker-on, the France of the eighteenth century might seem pre-eminently the woman's age and country. No doubt they wielded a real power—those brilliant women of the great salons who made and broke reputations and careers with an epigram. But all this influence and popularity were not without price. They were bought by the most unscrupulous intrigues, political and social, on the one hand, and on the other by compromises of honor and dignity and decency, which even after two hundred years fill one with a sort of physical disgust. This was Germaine Necker's world, and from its moral contagion she could not wholly escape, any more than from its false and artificial standards of taste and its rather hectic intellectual activity. But in great issues, when her own passions were not involved, in the decision of great questions, this woman's courage, her will to look the truth in the face, her far-seeing, incorruptible resistance to the current that was sweeping France (and after her all Europe) into the grasp of a military despotism—all these things belong to a spirit divinely free—we may almost say, to the only free spirit left in a Europe where Goethe lived and practised his bows to the Grand Duke, and in due time even made graceful speeches to the great tyrant himself.

Advanced views prevailed in the Necker circle, but they did not apparently have any influence upon the parents' plans for their daughter's establishment. Germaine—already very much of a person—brilliant enough, disquieting enough, to give wiser parents pause—Germaine was married at twenty to the Baron von Staël Holstein, Swedish Ambassador to France. A well-bred, well-disposed, but somewhat light and insignificant sort of person the baron, whose Protestantism, together with his rank (the latter appealed strongly to Mme. Necker), seem to have

been his chief recommendations; but the marriage was probably quite as happy and respectable as the majority of such arrangements in that time and world. There was never any open scandal, and, though after a number of years a separation was agreed upon, the motive seems to have been financial—De Staël was a terrible spendthrift—rather than moral. The three children were brought up to respect both parents, and finally, when their father was old and ill, his wife went to him and nursed him faithfully till he died. So much her respect for tradition and public opinion could accomplish, but Germaine's heart was never in this marriage, and hers was not a heart to be left out of account with impunity. For she was a creature of the tempest, such as the eighteenth century, the age of Reason, loved to bring forth, in mockery of its own pretensions—one in whom a strong will, religious scruples, habits of self-control and of calm judgment were overborne and swept away in an instant by an onrush of tumultuous emotion.

She had one or two transient fancies in her youth, and then, when her hour was fully come, she fell a victim to one great and most unhappy passion which laid waste her heart and dragged its slow and poisonous length across the eight best years of her life. It was not an abject or degrading passion; its appeal was not chiefly to her lower nature; but none the less surely, for the sort of perverted exaltation that disguised it, did this untoward love sap the very springs of her inner life.

Germaine de Staël's long connection with Benjamin Constant is one of the famous love affairs of history as well as of literature, as famous as that of De Musset with George Sand, though very unlike it. One side of this story—the man's—is narrated at length and in minute detail in *Adolphe*, Constant's only novel, which is a masterpiece of impersonal, detached self-analysis and self-revelation, and leaves the reader divided between a somewhat breathless admiration of the author's unexampled candor and psychological insight, and a sort of horror of the coldness and aridity of the nature laid bare. On the woman's side the record is not less plain for him who has eyes to see. In the imaginative works of Mme. de Staël's maturer years love appears, not as the innocent idyl of youth, nor yet as the more or less culpable pastime of men and women

of the world. Love for her is henceforth tragedy. It is the chronicle of the woman's always losing battle—of the woman struggling single-handed with tradition and prejudice—above all, with the incurable feebleness and inadequacy of the man's soul. She judged (as we all judge) by what she knew. A tone of almost monotonous depression and discouragement pervades her two once famous novels, *Delphine* and *Corinne*. But whenever this woman could escape from the narrow range of personal loves and hates, hopes and fears, when she could make good her entrance into the larger world of thought and ideas, how swiftly did the key change! Then her tears dried of themselves in the white heat of her righteous wrath; she shook off her pose of half-conventional melancholy, and went forth joyously to take her part in the great "liberation war of Humanity."

Woman has been always generous, it seems to me, in according to man everything that he desires to fulfil his own ideal of himself. But it must tax her patience sometimes, one would think, to see him calmly, without scruple or remorse, gather with a sweep of his arm into his own portion all the nobler qualities of the soul—simply by calling them masculine. One would scarcely apply that epithet to Mme. de Staël, to her character, or to her achievements, unless indeed there be no other word to describe strength, frankness, courage, and a noble disinterestedness in the pursuit of truth; and in her these qualities seem not coldly intellectual, but rather emanations from a great generosity and benevolence of nature, a deep-lying faith in humanity which even the horrors of the Revolution could not discourage, and which made life worth while in the darkest hours of anarchy or despotism. In her last days Mme. de Staël said that she had had three great loves: God, her father, and Liberty. And it may well be that as she grew older these three seemed more and more to merge themselves in one great benignant and wonder-working power—a glorious trinity which spoke to her ear with one voice, forbidding her to despair of mankind or of the world.

In the early years of the Revolutionary period, Mme. de Staël's salon of the Swedish Embassy in the Rue du Bac was at the height of its vogue, the most brilliant in Paris. Men of every nation, of every shade of opinion, were gathered there, and absolute freedom of thought and speech was the distinguishing note of their intercourse. But the

hostess was the real center and inspiration of those memorable reunions, of which many reminiscences have come to us, but no adequate description—none at least that conveys to us even faintly the effect produced by Mme. de Staël's conversation nor the qualities which set her as a talker apart from all others.

A dark-skinned, thick-lipped woman, without beauty, heavy alike in feature and figure, and with a style of dress that betrayed a love for the picturesque rather than a true Parisian's sense of harmony and grace, she yet possessed a wonderful and compelling charm. A magic spell, it seemed, that for the time transfigured her whole being and held her hearers breathless and enthralled; while for those who came habitually under its influence this conversation of hers grew to be an urgent need, a sort of element or atmosphere without which their spirits languished and grew faint. Indeed, she was very unlike, in many ways, the typical hostess of a salon in the eighteenth century. For most of those shrewd and clever women the holding of a *bureau d'esprit* was a matter of business. They were seeking success in some form, literary, political, social, and always with a purely personal, selfish aim. But here was one woman to whom the Revolution was a sacred thing, a great and splendid revolt of the human spirit against the powers of darkness. She believed in the might and efficacy of ideas and in the essential goodness of human nature, and at least in her earlier years she was a true daughter of that age to which Voltaire had taught freedom of thought and contempt for tradition, and Rousseau the return of a primitive state of innocence unspoiled by the artifices of civilized life.

Much, therefore, that might seem perhaps, in this cult of the idea and of the spoken word, like mere intellectual fustian was to Mme. de Staël the very stuff of which life is made. She was capable, we know from many witnesses, of exquisite graciousness, of infinite delicacy and tact in reassuring and fostering the timid, and she gloried in the strength of a worthy antagonist. But, after all, conversation was to her verily the sword of the Spirit, worthy the best efforts of the loftiest minds. And so, at the close of one of those famous evenings of hers, when the subject had been tossed from lip to lip among the speakers and played upon in turn from every angle of vision, it was her wont,

we are told, to gather up the scattered threads of the discussion and hold the great thought for a little while in her own hands, as if for a final shaping and polishing, that no aspect of it might be lost or obscured when it went forth to do its work among men. Thus, without bitterness or contention, did she set her mark upon it—seal it with her own seal.

Upon this magnanimous if somewhat unpractical group of theorists the awful events of the Reign of Terror fell with a shock as of a crumbling world, and for a season the most optimistic were dumb. This, then, was the outcome of the rule of Reason, such the first fruits of “liberty, equality, and fraternity!”

With Mme. de Staël compassion was responsive to every call, and for her it was never a sterile emotion, but a veritable passion to help and save all whom her arm could reach, without respect of person or party. Her position as wife of the Swedish Ambassador made her, for a time at least, comparatively safe in Paris, and she used her official immunity, her old prestige as Necker’s daughter, and one whose liberal sympathies were well known—she wore all these pretexts threadbare—and her woman’s wits, her social experience, and tact besides, to snatch from death one and yet another human creature whose only claim upon her was his desperate need. Again and again did she penetrate to the secret councils of the Convention to plead for some life and exhaust every resource in her appeals to Robespierre or Tallien—and rarely, it must be added, in vain. But the “Terror” went its way to its appointed end, and after a year of unwilling absence Mme. de Staël returned to Paris to confront her great enemy.

Back to Paris, still a city of waking dreams, to whose generous enthusiasm all things seemed possible, came also the great Realist. He came in a blaze of military glory followed by his victorious legions, and the legend of his Italian campaigns, the first canto of the great epic of European conquest, was well fitted to inflame the quick imagination of the French, in whom love of glory has always been the one enduring passion.

To Mme. de Staël Napoleon’s unique and essentially Latin genius appealed at the first with extraordinary force. In him she believed all the great principles of the Revolution were to triumph, were to receive their final

consecration, in the glorious peace which a liberated France was to impose, by his hand, upon the world. She was young, too, and a woman who had no reason to distrust her own powers of attraction—powers so hard to divine to-day behind the crude colors and harsh outlines of her pictured face and form. It may very well be that in her patriotic zeal there mingled some alloy of personal ambition and vanity—in fancy she saw herself perhaps the guiding star of the great Ship of State, the inspiring muse of the hero, and through him the arbiter of Europe. But very soon her faith began to falter—partly, no doubt, because of Napoleon's rough and tactless rejection of her advances, but more and more from a sort of dumb terror and distrust which the great man's demeanor was well fitted to arouse in one like Mme. de Staël. She ascribes her growing antagonism to her father's example and teachings, but it goes deeper than that—rooted, no doubt, in her half-conscious intuitions, her unreasoned perception that this man was the predestined Arch-Enemy of ideas, the great Opportunist, whose deep and scornful knowledge of men had taught him to rule them through their weakness and meanness rather than by an appeal to a soul in which he did not believe. These two were foes inevitably and irreconcilably; any truce between them must have been hollow; and the woman, not without protests and appeals, finally accepted the situation.

Mme. de Staël has been blamed for her perpetual and often rather querulous complaints and lamentations over her exile and her adversary's implacable hate. But less has been said of the note of almost childish petulance in Napoleon's chidings and reproaches of Mme. de Staël. So inconceivable to him was the force of moral convictions that he seems never to have doubted that this troublesome woman could, if she only would, make it up with him and his régime at any time and live good and happy ever after. Once assured, however, that he could neither cajole nor compel her, he determined to be rid once for all of a hostile influence he did not overestimate.

With the issuing of the consular edict which banished her to a distance of forty leagues from the capital begins for Mme. de Staël the long period of exile—so dreary, wearing, and humiliating to her proud, ardent nature; so refining, chastening, and developing to her mind and soul. Freed

at last, against her will, from the absorbing interests of Paris and of her own people, she had leisure to become aware of the great world-forces working themselves out in other ways among other races of men; and it may be said to Mme. de Staël's great glory that hers was the first French mind (and the list of those who come after her is not long) which lifted itself to a European point of view. Her half-foreign ancestry, her Protestant faith, even her abhorrence of the régime in power in her own country—all these may be counted for something in her detached and impartial attitude, but these are not enough by themselves. She was really seeking truth and light, and could by no means find rest in lies, however specious. For her *liberty* meant first of all the freedom of the spirit, and how could she fail to perceive that in unprogressive, phlegmatic, prince-ridden Germany men's souls were often freer than at home? It is this peculiar openness of mind and singleness of heart that give distinction to her views. She was not without vanity, as we know; her early training had fostered an almost morbid craving for excitement and social diversion, and her hatred of Napoleon no doubt made her often unjust both to him and to France—for which, nevertheless, she longed with inextinguishable desire. But over and over again was she offered all the privileges and rewards which the Empire had to bestow for some trifling concession—a few words celebrating the Emperor's latest victory, a paragraph of flattering prophecy on the occasion of the birth of the Prince Imperial. And she always refused, while so many of her ancient comrades, sometime apostles of Liberty, found their account in compromise with the powers that were! Constant, Talleyrand, and other smaller men found, at one time or another, some middle ground on which their old principles and present interests could walk without unduly jostling one another. But Mme. de Staël could see only one way, and that led her now across the Rhine. And this reluctant pilgrimage was the climax and consummation of her career. By the mere act of going deliberately into remote exile she made it plain that, while Napoleon might blockade England, bully Germany, and threaten Russia, his power came to a halt at the door of one will, one conscience.

Weimar, whither she betook herself, note-book in hand, as fast as the clumsy coaches of the time and the manifold

delays incident to travel would permit, was emphatically a man's world; the woman's part, even in courtly circles, was restricted to that of listener, or at most of unobtrusive accompanist to the masculine performer. But in every situation into which life had led Mme. de Staël hitherto, she had always stepped into the first place as by divine right. The flare of the limelights was dearer to her than sun, moon, and stars, and—a point of still greater importance—she was used to the almost exclusive society of men, and liked it. Here for her was an interesting programme, days and nights abounding in stimulus.

It is hard to be quite as sorry for Mme. de Staël as she seems to expect when we recall the men with whom, during her sojourn in Weimar and Berlin, she spoke familiarly face to face. Besides the Grand-ducal family of Weimar, who appear unaffectedly to have loved and admired her, she made acquaintance with the brothers Schlegel, with whom her intercourse ripened into close and intimate friendship, with Fichte, Schelling, and Schiller, and finally, after some solemn coquetting on the great man's part, with Goethe himself. And in spite of some national and personal prejudice and misunderstanding they all in the end came to like and esteem her sincerely. What these Germans saw in her first was her limitless craving for discussion, a somewhat disconcerting appetite for this people of heavier brain and slower speech; but then they saw, too, her transparent simplicity and honesty of mind, the piercing clearness of her intellectual vision, and her absolute generosity and good faith. Both in Weimar and in Berlin Mme. de Staël was a success.

Weimar was very well as an interlude, but it could be for her no "continuing city." She was drawn back to France as by invisible cords, although the Emperor, far from forgetting her in her long absence, seemed to exercise his ingenuity in devising against her new measures of petty and harassing persecution. Her home at Coppet was very lonely now, since her best friends no longer gathered about her there, held back either by their fears or by direct prohibition and penalty. And so once more she took up her dreary march—up and down, to and fro, through that Europe which year by year contracted about her, until it seemed that soon no spot of free soil would remain where she might rest the sole of her foot. More and more closely the Em-

peror's net enmeshed her, till at last her thoughts turned in all seriousness to the great free Republic across the sea as a final refuge for herself and her beloved children.

The fall of the Empire in 1814 summoned her back to Paris, but it was in no festal mood. In spite of all she had said and written in dispraise of France, she was far too true a Frenchwoman to rejoice in a personal deliverance that meant defeat and humiliation to her country, and it was quickly brought home to her that the enemies of Napoleon, whom she had indoctrinated and encouraged in her exile, were, under a very thin veneer, the enemies of France and of the liberty that she loved. Her personal glory was at its height—kings and potentates consulted and treated with her as with a European Power, but her strength was broken, if not her spirit. For years Mme. de Staël had suffered from a lingering and painful disease. In 1817 in Paris, surrounded and consoled by her children and her friends, she died, in the full maturity of her powers and at the height of her fame. She is buried beside her parents at Coppet, the home of her exile, and the place which more than any other is bound up with her fame and her active and agitated career.

But Mme. de Staël's books! the row of substantial volumes that bear witness to her industry, her many-sided interests, and her one-time popularity—they have certainly grown old and become difficult reading—had grown difficult, indeed, before the last of that generation had passed away which had been nurtured in her ideas. Sainte-Beuve, protesting loyally against the neglect into which she had fallen even in his day, prophesied that she would have her revival; and men may indeed go back to her; but it will scarcely be as they go back to Pascal and Bossuet, or even to Voltaire and Rousseau—not for pleasure, nor for that subtle heightening of the emotions, that sense of the enlargement of the bounds of life, which is the ineffable gift of the great masters.

We cannot reproach her with the absence of an independent and original system of philosophy. In this respect Voltaire was but little better furnished than she, and Châteaubriand very much worse. She was the child of her age. She utters the great doctrines of the eighteenth century—its theories concerning liberty and progress, of the

freedom of the will and of the goodness of human nature. She gives them to us unchanged in essence, but touched and vivified by that infusion of warm and generous emotion which she called *enthusiasm* and which remains the most characteristic note of her teaching. Critics and historians have done their best for Mme. de Staël when they have spoken of the general "nobleness" and "elevation" of her writing. The truth is she has no sustained style, her books no structure, in the technical sense. She has eloquence sometimes, often emotion; often also she finds vigorous and original utterance for isolated reflections or sentiments. But in narrative, exposition, or description of any length or scope she falls into abstract, inaccurate, and commonplace forms of expression; her thought, her image, reaches us without sharpness of outline or vividness of color, the whole effect dulled and blurred by an instrument not finely tempered enough for its task. The supreme gift of "the Word" was not hers, and among all French authors of anything like her importance she is probably the least read.

Her earlier works the "Essay on Rousseau" and that on the "Passions," and her first real book, that on *Literature*, in which she applies to the history of letters the favorite doctrine of the eighteenth century, the theory of perfectibility, or, in other words, of the perpetual and uninterrupted progress of the human race toward perfection—these essays are all full of acute personal observations and fruitful suggestions; but to the modern reader they are made almost inaccessible by their confused and incoherent arrangement and their heavy, unattractive style. The popularity of *Delphine* waned early, but the fame of *Corinne* is attested by the praises and the tears of two generations. For *Corinne* is Mme. de Staël's ideal of herself, and the story of that brief, beautiful, and most sorrowful career, her ill-starred love and untimely death, are told with a tragic sincerity and poignancy that strike home even yet through all the clumsy guide-book setting.

Despite its limitations, despite the strong anti-Imperial bias which often obscured her judgment of men and events, the *Considerations Concerning the Revolution*, her last and unfinished book, is certainly Mme. de Staël's maturest and soundest political utterance, though in originality and general interest it does not equal the book *On Germany*. That

a woman and a Frenchwoman at the opening of the nineteenth century should have ventured upon an interpretation of modern Germany remains one of those anomalies which confront us now and then to remind us of the futility of cut-and-dried rules and classifications, and of all "pigeon-holing" in general. The work is a remarkable and, on the whole, measurably successful *tour de force*, and, though it is not, I suppose, a great book, it could have been written only by a great woman. In the light of subsequent events her characterization of the German people is, of course, inadequate—based upon insufficient knowledge and rash generalization, and as a whole it is now little read. Yet its pages abound in just and generous appreciations, incisive criticisms, and keen moral insight, as valid to-day as when they were first penned. And, indeed, turn where we may among the writings of the French critics and moralists of the nineteenth century, our eye falls inevitably upon the name and the thoughts of Mme. de Staël—thoughts grave, wise, profound as the utterance of an ancient oracle, illumined sometimes by a lightning flash of intuition that penetrates to the heart of things, with a thrust so keen, an aim so sure, as to have all the effect of inspired vision.

Time is the only just judge. His verdict is always vindicated in the end.

To leave no consummate and immortal literary monument, after a whole life spent in the single-minded service of truth and freedom and beauty! What harsher sentence could fall upon this aspiring, earnest, ardent spirit, so full of confidence in herself and in the value and urgency of her message? And yet let us not rashly pity her. For even setting aside the direct political influence which she exerted in her own time, there is not one of all the men and women, her peers, who lived their full and fruitful lives in those stirring, heart-searching times—not one, I believe, save only the great Emperor himself, who is to-day as intensely alive in the world as Mme. de Staël.

FLORENCE LEFTWICH RAVENEL.

THE BOOK OF THE MONTH¹

BY F. M. COLBY

It is hard to see why M. Pellissier should have lashed himself to Shakespeare in this hostile intimacy. Probably no other English poet could have been found, except perhaps Browning, who would so essentially offend his trim, modern, Gallic intelligence, and one would think M. Pellissier, after yawning through a half-dozen of the plays, would have smiled or cursed according as his impulse prompted, and thrown the rest of them away. Instead of that he has dragged his incompatible mind not only through the whole length of Shakespeare's dramas, **but** over a large area of the dullest Shakespearean criticism as well. It would seem heroic if it did not seem unnecessary. It is as if, on meeting a woman whom he particularly disliked, he had straightway married her and then taken notes for the next ten years in corroboration of his bad opinion. Never was a man more diligent in dislike. He has turned the plays inside out for evil instances and he has gathered them in awful heaps—bad puns, platitudes, pleonasms, contradictions, incoherencies, bombast, fustian, mixed metaphors, and bungled plots—in short, every fault of style, structure, character analysis or moral teaching that a life-long, conscientious hater of the bard could lay his hands on—and as they are all rendered in perfectly commonplace modern French, they present a sorry spectacle. As honest and thorough a job in damnation as has been done in many a year, and for that reason very interesting. Any one who really hates a poet will find here an admirable illustration of the way to go about.

First of all, the outrageous liberties which Shakespeare takes with the sacred unities of time and place and action. M. Pellissier professes to be more liberal than Aristotle in

¹ *Shakespeare et la Superstition shakespearienne.* Georges Pellissier. Librairie Hachette et Cie. Paris. 1914.

that matter, but his nerves go all to pieces amidst the riotings of Shakespeare. Why, there are seven changes of place in the second act of "The Two Gentlemen of Verona," and six in the first act of "Coriolanus," and thirteen in the third act of "Antony and Cleopatra," ranging over three continents, all that was then known of the surface of the globe! And as to time, in some plays the action is supposed to run for years, which is manifestly incredible, while in others it is telescoped into so tight a compass that villainy has no chance to germinate or passion to expand. How is a character to develop in three hours? How could the events of "Measure for Measure" squeeze themselves into a week? Fancy M. Hervien doing such a thing, or Donnay, Mirbeau, Brioux, Capus, or even Rostand. Macbeth could not have become so ambitious as he was in four days, or Othello so jealous. In "The Tempest" Prospero puts Ferdinand to the trial by making him heave logs and finally releases him and rewards him with the hand of Miranda in these words:

All thy vexations
Were but my trials of thy love, and thou
Hast strangely stood the test. . . .
Then, as my gift, and thine own acquisition
Worthily purchased, take my daughter—

But says M. Pellissier, watch in hand, how long has Ferdinand actually been at this log business? He did not lift a single log till after the close of the first act, and he left off logging immediately before the beginning of the fourth. Thus his logging activities could have lasted no more than a single hour! Considering what the Charity Organization demands of a tramp in return for a night's lodging, Ferdinand was grossly overpaid.

Although he found the logs very heavy, would an hour of that work suffice, as his father-in-law said, for the "worthy purchase" of Miranda?

The matter seems all the more unpardonable when Prospero's lines are rendered in such words as these—

Les tourments que je t'ai infligés devaient éprouver ton amour; tu les as merveilleusement supportés, etc.

On the other hand, the action of the "Winter's Tale" skips sixteen years and the figure of Time appears on the stage and "without any scruple" tells the audience what has happened. Yet in this very play Shakespeare rushes the

King into a jealous fit more suddenly than M. Pellissier has ever seen a jealous fit come on.

Then many of the plays tell several stories at once. "Cymbeline" tells three, and so does "The Taming of the Shrew"; "King Lear" tells not only the tale of the old King betrayed by his daughters, but that of Gloucester betrayed by his son; "Timon of Athens" breaks off when it is about half-way through, and takes Alcibiades for its new hero; "The Merchant of Venice" spins two yarns which essentially have nothing in common; and so M. Pellissier runs on, with mounting indignation, and cites a dozen cases quite as bad or worse. He admits, to be sure, that the French demand for relevancy may be pushed too far, and he does not believe that every element in a play need bear definitely on the solution of the main problem. He thinks his fellow-countrymen simplify and unify too much. But Shakespeare not only breaks the arbitrary and needless rules, he violates the essential laws of dramatic composition. Far from being the master of this craft that critics call him, he is in fact the worst of bunglers.

Assuredly the best-made plays are not always the best. And who would prefer Ben Jonson to Shakespeare? But all that we would prove is that the plays of Shakespeare are badly constructed, that they scatter themselves about at random, that the development is sometimes rushed, sometimes tediously retarded, that we find at every turn digressions, delays, and gaps, and that in short the action almost always lacks that sequence and coherency which by the fundamental laws of dramatic construction it ought to possess.

In "The Merchant of Venice" Shakespeare does not even respect the rules of simple arithmetic, for when Jessica tells Portia that she has overheard Shylock say that he loves the pound of Antonio's flesh more than twenty times three thousand ducats, Portia offers at first to pay him six thousand, and later says she will double it if necessary, and even triple that result. But, says M. Pellissier, this is by no means the right amount: "Twenty times the sum due is sixty thousand ducats, and $6,000 \times 2 \times 3$, is only thirty-six thousand, a little more than half." He finds "The Merchant of Venice," indeed, very objectionable from almost every point of view: Its moral teachings are bad, as when Bassanio wins Portia's hand in the casket test, though he deserved no better than either of the other suitors; it tells two stories instead of one; and above all it

drags along through an utterly worthless fifth act, when a few words added to the fourth would have supplied all that was necessary. The fact that this same worthless fifth act contains some of the finest and most familiar lines in all Shakespeare's writings does not concern him, if indeed he ever observed it. Punctuality, not poetry, is the thing.

Our critics admire here "the inexhaustible wealth of Shakespeare, fecund and prodigal as nature." But nature is one thing, art is another; and in dramatic construction a just economy seems preferable to a prodigality without discernment.

Moreover, the last act of "The Merchant of Venice" is comedy, whereas the main part is serious drama, and to mix the two things up in this manner is not permissible. He groans at the shameful waste of time on light characters. He hates all those non-essential clowns, court fools, pedants, drunkards, thieves, eccentrics. What is the use of Dogberry and Verges? We find them first giving their tiresome instructions to their men; again, when they make their report to the governor, who is naturally much irritated by their *sottise*; again, in prison, questioning the accused; again before the governor; and once more after that. Even if these "two stupid police officers" were as amusing as Shakespeare probably thought them, they would still be absolutely useless; but as a matter of fact they are dull buffoons fit only for a vulgar street show. And what a waste of time are the fooleries of Sir Toby Belch, Sir Andrew Aguecheek, Touchstone, Lancelot Gobbo, Speed, Lance, Bottom, the Dromios, Poor Tom, the grave-diggers and players in "Hamlet," Mercutio, Trinculo, Stephano, and the rest. Like Bernard Shaw, he has an especial aversion for the melancholy Jaques—

JAQUES. I'll give you a verse to this note, that I made yesterday in despite of my invention.

AMIENS. And I'll sing it.

JAQUES. Thus it goes:

If it do come to pass
That any man turn ass,
Leaving his wealth and ease
A stubborn will to please.

Duedame, duedame, duedame.
Here shall he see
Gross fools as he,
And if he will come to me.

AMIENS. What's that "duedame"?

JAQUES. 'Tis a Greek invocation to call fools into a circle. I'll go sleep if I can; if I cannot, I'll rail against all the first-born of Egypt.

What philosophy is there in this? asks M. Pellissier:

The critics present him as a type of humorist. Why not? I do not quite know how to define humor, but I have always believed it consisted in racking one's brain in order to draw from it some painful drolleries. He who has wit is never called a humorist; we call humorist the man who is trying to have it.

From these citations I think it will be plain to any one who at any period of his life has found an honest pleasure in reading Shakespeare that M. Pellissier has by an accident of birth been for ever debarred from sharing in it. To him, as to the usual commentator, Shakespeare is not a source of pleasure, but a task. Among us common, careless folk, Shakespeare is by no means a sad matter, but on that strange assiduous tribe who live in foot-notes he has laid a most grievous academic burden. Much as M. Pellissier hates Shakespeare, I doubt if he hates him any more than do many of the Shakespeare specialists. Nothing can persuade a mere layman that the Shakespeare scholar is not usually a man who privately loathes his Shakespeare. Otherwise, why their amazing marginal irrelevancies?

Act I., Sc. II., Line 20, Note 56. "*Biting*." Often used metaphorically by Shakespeare. So of "*nipping*." Cf. "a nipping and an eager air."

They write their notes, like school-boys marking up their text-books' margins. In Shakespeare's company and longing for escape, they pass the time in queer, superfluous labors, memory exploits, and verbal divagations, sometimes quoting all the passages that resemble a little the one in hand, sometimes all the lines they can think of that do not at all resemble it, not knowing what to do, yet bound to seem busy, hence elucidating, collating, amending, bickering with some other commentator fifty years dead, expounding prepositions, expounding anything, merely to relieve the awful tedium of being alone with Shakespeare. Hating poetry, they collect adverbs, or explain discrepancies in the time of day, or quote the moral reflections of some tired predecessor. I have seen a sentiment from Dr. Johnson which no free-born Anglo-American reader would remember for five minutes hoarded by these forlorn sub-Shakespearean creatures for five generations. And they are under no compul-

sion. That is what puzzles the care-free layman—why this especially unsympathetic class of persons should have ever gone into the business at all, when there are chess, stamp-collecting, autographs, numismatics, golf, peace movements, book-plates, gardening, pressed flowers, social welfare work, taxidermy, solitaire—so many perfectly respectable occupations, at a safe distance from the hated bard.

The best thing in M. Pellissier's book—and for this alone it ought to be turned into English—is his merciless assault on the "Shakespearialaters." He hoists them with their own petard. The same sort of pedantic reasons that they have presented for a hundred years as ground for loving Shakespeare are here urged with equal force as ground for hating him. The language of Shakespeare, as Professor Raleigh has said, "cannot be judged save by those whose ease of apprehension goes some way to meet his ease of expression." M. Pellissier lacks, of course, that ease, but so do, with less excuse, our professional Shakespeareans. He does not understand Shakespeare, but he does, I think, understand a pretty large class of Shakespeare commentators. If his book were put into English, it might have some value as an insecticide.

To conclude his railing accusation: Shakespeare is wholly lacking in invention. "Romeo and Juliet" does not tell its story so well as the novels from which it was taken. It has lasted and been more popular merely on account of its dramatic form. "Hamlet" is far more incoherent and irrational than the tale from Saxo Grammaticus on which it was founded; and it has only the interest of a riddle. As to morality, Shakespeare had hardly any sense of it. King Lear was a fool, and it is absurd to pity him. Othello was so great a dolt that his whole course of conduct seems utterly meaningless. Innocent people are punished; villains are changed into saints on the instant and receive the rewards of virtue. The victims of Macbeth do not deserve their fate. Macbeth himself was either a madman or the sport of destiny, and so his career has no moral application. Shakespeare's characters do not develop from within, but are mechanically altered to meet the stage necessities, as when the contempt of Benedick and Beatrice for each other is turned into love as a result of Don Pedro's stratagem. Moreover, ignoring the first principle of objective drama, he intrudes his own reflections at every point, comments, preaches, declaims through his characters. He mocks at

truth and reason. He does not know how to pursue a thought any better than how to combine an action, and his tragedy generally consists in truculent harangues and his comedy in quips and puns. "Mirror of nature, if you will, but his huge and shapeless work exaggerates nature and swells her out, sometimes decorates her and sometimes makes her grimace." Unable to restrain his imagination, he fills the plays with incoherencies, brutalities, false pathos, horse-play, and quibblings, and delays the action with all manner of incompatible adventures and distracting episodes. In short, in spite of the many beauties in his work, it is, "take it all in all, an immense confusion. One would often think it the work of an inspired school-boy, who, having no experience, tact, measure, prematurely fritters away his abortive genius."

F. M. COLBY.

NEW BOOKS REVIEWED

PUBLIC OPINION AND POPULAR GOVERNMENT. By A. LAWRENCE LOWELL, President of Harvard University. New York: Longmans, Green & Company, 1913.

This book of President Lowell's, which forms a part of the "American Citizen Series," may be described as, in a good sense, a glorified text-book—which is to say that its carefully considered method and scope, its economy of expression and proportion of treatment sharply distinguish it from all mere collections of essays or occasional addresses, while by virtue of its breadth of view and its graceful sincerity of style it rises clear out of the class of ordinary text-books or technical treatises. President Lowell is one of the few who can be subtly analytical without becoming pedantic, and his analysis of the terms "Public" and "Opinion" is something more than a discussion about words. With the resourcefulness of a skilled writer he develops and illustrates the conclusion that, "in order that opinion may be public a majority is not enough and unanimity is not required, but the opinion must be such that while the minority may not share it, they feel bound by conviction, not by fear, to accept it." There follows a pleasant and acute discussion of the reality or unreality of opinions, in which it is recognized that opinions adopted from others may be real if they form an integral part of the believer's philosophy, but otherwise the genuineness of an opinion depends upon personal judgment of the facts. The application of public opinion, therefore, has natural limits. "Even in the most firmly established democracies there are questions touching a chord of feeling so deep that the minority would not voluntarily submit to the decision of a majority." Nor can there be any true application of public opinion in cases where the essential facts are not accessible to the majority or not easily grasped by them.

One would not know where to look for a better brief discussion of the functions of parties than President Lowell has given in Part II. of his book. The correlation of this subject, with the general truths that we live in "an age of advertisement" and in an "age of brokerage," is striking and logically sound. In general, the author's view of party government, which is tolerant and many-sided, amounts to a moderate defense of the system. On the other hand, his attitude, as developed in Part IV., toward such devices as direct primaries, the initiative, the referendum and recall, is skeptical, although he repeatedly emphasizes the thought that no one argument or fact may be regarded as conclusive against them. "One panacea of promise in its day," he remarks, was representative government; another was universal suffrage; a third, the checks and balances

of the American constitutional system. The debasement of party government in the United States has been traced to the State and National nominating conventions which replaced the party caucuses in the legislatures and in Congress; but, in fact, the convention was adopted because the legislative caucus was thought undemocratic. Let us not be led astray by generalizations. Each institution has its limitations and will work well only within those limits."

As significant as any part of the book is the fourth and last division, which deals in chief with the employment of experts, administrative and other, in popular government. The lesson of European cities is taken to heart, and the frequently ignored fact is pointed out that examples of expert management controlled by representatives of the public are to be found throughout the political system of England. This part of the discussion flows with beautiful clearness from the theoretic consideration of public opinion as limited by the possibility of knowing the facts. Indeed, throughout the treatise the manner in which the author keeps within the formal limits of his titular theme and logically carries out its point of view constitutes a rare merit. But in this book one gets beyond theories and "idols of the tribe" to essential facts, both material and psychological. Everywhere there is evidence of that refined common-sense which absorbs and sifts special knowledge instead of being warped or overloaded by it—a gift which at its highest is possessed by few scholars. It is not too much to say that *Public Opinion and Popular Government* is worth every one's reading. The volume has statistical value as containing two appendices embodying what is said to be the most complete view of the practice of the initiative and referendum which has thus far been given.

OUR FRIEND JOHN BURROUGHS. By CLARA BARRUS. Boston and New York: Houghton Mifflin Company, 1914.

There is a good deal of John Burroughs's self in this book about him, although, perhaps, what it adds to the impression one gains from his writings is not greatly important. The discourse is just a bit idolatrous in tone, and may even awaken a slight sense of protest in the hearts of some of the less "tender-minded," who do not relish the flavor of a cult. Still, it is chatty and agreeably atmospheric, not too exclamatory or effusively appreciative. It is the kind of book in which one finds here and there interesting bits. There is, for instance, the story Mr. Burroughs told the author about his first sight of Emerson: "It was at West Point during the June examinations of the cadets. Emerson had been appointed by President Lincoln as one of the board of visitors. . . . I did not hear him speak, but watched him going about, with a silk hat, much too large, pushed back on his head; his sharp eyes peering into everything, curious about everything. 'Here,' said I to myself, 'is a countryman who has got away from home and intends to see all that is going on'—such an alert, interested air!" Walt Whitman, too, enters with familiar gusto. "He used to take Sunday breakfasts with us in Washington," said John Burroughs. "Mrs. Burroughs makes capital pancakes, and Walt was very fond of them; but he was always late to breakfast. The coffee would boil over, the griddle would smoke, car after car would go jingling by, and no Walt. Sometimes it got to be

a little trying to have domestic arrangements so interfered with; but a car would stop at last, Walt would roll off it, and saunter up to the door—cheery, vigorous, serene, putting every one in a good humor. And how he ate!”

By far the best parts of the book are the autobiographical sketches—letters from John Burroughs which the author has reproduced without change. And here we have, if no very striking or connected tale of outward experience or inner growth, characteristic John Burroughs talks, sunshiny, substantial, as real as the most commonplace incidents of ordinary lives, yet anything but dull or commonplace themselves. The writer builds up no romantic illusions, but his truth transforms everything to gold. He dwells affectionately on the past, bringing it back when he chooses with atmosphere, but without mistiness. His father, he tells us, did not like his son's tendency to books: “He was afraid, as I learned later, that I would become a Methodist minister—his pet aversion.” When the boy asked him for an algebra, he inquired, “What is an algebra?” and refused the money. On the father's side of the family were “no fishermen, or hermits, or dreamers,” but there was a marked and outspoken religious strain. But “Grandfather Kelly was a lover of solitude, as all dreamers are, and Mother's happiest days, I think, were those spent in the fields after berries. The Celtic element, which I get mostly from her side, has no doubt played an important part in my life. My idealism, my romantic tendencies, are largely her gift.” In the mood of easy reminiscence, he tells the inconsequential but delightful story of how his grandfather, “when a boy in Connecticut, once put his hand in a blue-bird's nest and felt, as he said, ‘something comical’; he drew out his hand, which was followed by the head and neck of a black snake; he took to his heels, and the black snake after him. (I rather think that's a myth.) He said his uncle, who was plowing, came after the black snake with a whip, and the snake slunk away. He thought he remembered that,” adds John Burroughs. “It may be a black snake might pursue one, but I doubt it.” This is the kind of tale story-writers prize and sometimes try to make much of, with the result of spoiling it. A touch like the “something comical” is one that genius unaided by memory could hardly supply.

Literary feeling and the habit of observation began too early for analysis to throw much light on them. John Burroughs remembers the impressions made upon him by a passage in the *Life of Washington* “when he was not more than six or seven years old, and how while playing about the house with his brother Hiram he would frequently stop and read this passage aloud. His “nature study” had nothing in common with the modern systematic “peeping and prying”; that sort of thing, he thinks, would have cured him of his love of nature. “What, or who as I grew up, gave my mind its final push in this direction would not be easy to name. It is quite certain that I got it through literature, and more especially through the works of Audubon when I was twenty-five or twenty-six years of age.” Indeed, he does not so much attempt the impossible task of accounting for his literary tastes as write eloquently about Emerson: “What a bold front he did put on in the presence of the tyrannies of life! He stimulated us by a kind of heavenly bragging and saintly flouting of humdrum that ceases to impress us as we grow old.” The whole passage is worthy to become a *locus classicus*. Emerson,

indeed, nearly proved a dominating literary influence: Mr. Burroughs once wrote an essay, unconsciously Emersonian, which went into *Poole's Index* as by Emerson, and was attributed to the same great source by Professor Hill of Harvard, who quoted a line from it in his *Rhetoric*. When the author saw his essay "through the perspective of print," he promptly decided that that sort of thing wouldn't do, and, turning to nature, developed his own characteristic style. Comparing himself with Stevenson, whose facility he envies, Mr. Burroughs draws a distinction that is rather an important line of cleavage in literature. "Stevenson had no burden of meaning to deliver, . . . but he certainly could invest common things and thoughts with rare grace and charm. . . . I could not grow eloquent over a broomstick, unless it was the stick of the broom that used to stand in the corner behind the door in the old kitchen at home." Those who care greatly for intimate details will find much in this book, and the parts that John Burroughs wrote himself are thoroughly good.

THE TRAGEDY OF POMPEY THE GREAT. By JOHN MASEFIELD. New York: The Macmillan Company, 1914.

In reading this play of Mr. Masefield's it is, unfortunately, difficult to get over the feeling that the thing is a rather pale modern equivalent of an Elizabethan "history." One sympathizes heartily, of course, with the motive that has led the author to avoid at all costs any effect of stately stiffness—even though such a line as, "Oh, my dear, beloved master! I'm that drove mad, I can hardly talk of it," falls somewhat notably short of the Shakespearean standard. There is, indeed, in this drama much of Mr. Masefield's characteristic actuality, his power of realizing emotion, and of making a crisis seem real and imminent. His scenes are animated; there is a real stir of life in them; in Pompey's household a genuine distraction is portrayed, and the reader is made to feel the reaction of great issues pending in the world outside. And yet there is something lacking. One doesn't like to lay stress on the point that there is nothing particularly Roman in the characters of Pompey and Metellus Scipio, for surely it is infinitely better to represent these historic persons as resembling modern business men weighted down by heavy cares and troubled by human feelings in the midst of terrible responsibilities than to make them mere classic figureheads, declamatory and modern. Nevertheless, the doctrine that human nature is a constant may be carried somewhat too far; the Elizabethans were not as we, nor was the Roman undertone of thought and feeling of quite the same quality as ours: one would like to make every one realize that *Cæsar's Commentaries* are as interesting, and in a way as modern, as the most recent book of military memoirs, yet the difference remains. And the difference really needs to be expressed—in manner and in manners—as Mr. Masefield has expressed it. When we read a play of which the scene is ancient Rome, we want to feel as if we had been transported thither—not as if Scipio and Pompey had walked into our library in modern garb and sat down to discuss their affairs. Cato, moreover, in this play, seems little more than a voice of lamentation and foreboding: so far as we are able to seize his character at all, we apprehend him as somewhat shrill and feminine. The note of *severitas* is generally absent, and in connection with Pompey himself one feels rather more pathos than heroism. A speech

of Cornelia's is quite typical of the kind of modernness Mr. Masefield gives us: "It is a question now, dear heart, of standing for the right. The right side is always the weaker side. War is terrible. It's such a loathsome kind of spiritual death." And again it is difficult to conceive of a Roman woman's speaking of "going out under the eagles to defend that burning thought, the Will of Rome." The phrase is modern, romantic.

The persons of the play are by no means mere puppets; so far as the author's rather slender dramatic portraiture enables us to see them, they seem alert, quick-feeling, quick-thinking human beings. But at bottom they are motivated, electrified to life, by the author's poetic feeling rather than by any profound conception of character: they are temporary vehicles for the expression of emotions—emotions that lack the substance of character. The play affects one somewhat as a succession of rather empty musical chords; not that emotion lacks due occasion, but that feeling is not sufficiently interfused with the interest of personality. The one element that might conceivably have raised the piece to a level with, for example, the poetic dramas of Swinburne is lacking: the play is written not in verse, but in a rather musical, flexible prose. More moving than most things in the play is the epilogue:

"Pompey was a great Captain, riding among Kings a King,
Now he lies dead on the sand, an old blind tumbled thing.
Fate has her secret way to humble captains thus;
Fate comes to every one and takes the light from us,
And the beginning and the end are darkened waters where no lights be,
But after many days the brook finds ocean,
And the ship puts to sea."

On the whole, one cannot help approving in a measure Mr. Masefield's naturalistic handling of a classic theme; yet surely there is a note of grandeur in human affairs for which Rome has proverbially stood, and in the *Tragedy of Pompey the Great* much of this effect is lost in sentiment.

RELIGION AND LIFE. By ELWOOD WORCESTER, Rector of Emmanuel Church, Boston. New York: Harper & Brothers, 1914.

Dr. Worcester has written a forceful and persuasive exposition of Christianity as a living power in the world and as a believable body of doctrine—an exposition which expresses and interprets the newer attitude toward religion. This attitude is not easy to define in a few words, for it is the resultant of many intellectual causes. Gradually there has come about a great clearing of the religious atmosphere. In the first place, the true character of Jesus and the nature of his religion have become unmistakably plain. "Much as still remains to be done in the life of the Lord," writes Dr. Worcester, "we have reached a point at which it is impossible to make the Christian Religion mean what we wish it to mean. In other words, we cannot falsify and alter the teachings of Jesus any longer to suit our own purposes." In the second place, metaphysical and doctrinal difficulties now seem less formidable than they have appeared in the past: men are readier to believe that with God all things are possible. Science, which once made men agnostic, now rather strengthens the power of belief, and faith, instead of rejecting the knowledge of science and common experience, merely seeks to go farther than they along the same road.

Dr. Worcester's chapters upon such subjects as "Christianity and the Social Question," "The Law of Increase," "The Good Samaritan," "Idealism and Devotion," serve a threefold purpose. Written from an avowedly Christian viewpoint, they are exhortations to faith; they are also resolute and frank applications of Christian doctrine to life; and finally they serve as pragmatic arguments for belief, since they show the need and practical efficiency of religion in the world's affairs. Even more interesting than these are the chapters which deal with the more personal aspects of religion. The belief that repentance and faith can make over a man's character almost in an instant can no longer be regarded as a mere affirmation of sentiment or dogma; the miracle of sudden "conversion" is as well attested as any of the miracles of science. In one case, of which the author tells, a man of force and education, after relating in detail the story of his complete ruin and downfall—a story almost wholly devoid of redeeming features—was induced to kneel and ask forgiveness of God. "He knelt in silence for perhaps five minutes. When he rose he looked at me and I saw something in his face which was not there before. He said very quietly, 'God has heard my prayer, and I am saved.' . . . The vice and evil which had desolated his life simply ceased, and in this place a character of such purity, sweetness, and unselfishness was born that I cannot speak of it without shame to myself."

Significant of the author's point of view is his discussion of prayer. Religious intuition has always upheld the efficacy of prayer, and the experiences and observations of Dr. Worcester convince him, independently of faith, that prayer is a power incalculably great but ill understood. There was a time when the question chiefly raised was the question of failure: how can it be that we sometimes ask and do not receive? Now it has become possible to shift the ground and ask how it is that prayer ever succeeds. Dr. Worcester suggests that without surrendering present faith we may hope that science in the future will teach us vastly more than we know now concerning the nature and use of this mysterious influence. "Sometimes we pray with conviction and power, and our prayers are mighty and effective. In some way we have fulfilled the necessary conditions and have come in contact with the Source of power, but we know not how we did it. Sometimes for weeks and months our prayers seem to rise no higher than the ceiling of our rooms and to accomplish nothing, yet we know not why. Should we understand prayer as Jesus understood it, all things would be possible to us; but we are groping amid the very rudiments of it."

Religion and Life is not, of course, a formal effort to establish the truths of Christianity on rational grounds, nor does the author advance any one definite thesis. But perhaps the book will accomplish more than could a formal argument. In many different ways it imparts the invigorating assurance that there is nothing contrary to science or common sense in believing that life is at bottom a spiritual affair.

LITTLE ESSAYS IN LITERATURE AND LIFE. By RICHARD BURTON. New York: The Century Company, 1914.

The essays contained in this volume are indeed "little," in the sense of brevity, and some of them are on rather hackneyed themes. There are no originalities of the first water in the book, but there are no mere

artificialities, mannered as the author's style sometimes seems. Professor Burton is incorrigibly literary, but we feel that he is heartily human too, and that insincerity is a thing his soul abhors. In the beginning, one may be, unfortunately, a little repelled by an apparent conventionality in the treatment of such subjects as "Immemorial Fires" and "The Miracle Called Spring"; but if the reader is lured to read on, which is not unlikely, he will find that the author has much to say, says it modestly, and with no little point. It is something to have found anything so good as, "The tragedy of growing old is that you feel so young," to say on a theme that has been written about by (among others) Cicero and Holmes. "The irony of success lies in its looking so successful" is a nutshell with a kernel in it, and the phrase "helpless gregariousness" as descriptive of those who "sit about in overlighted, stuffy rooms at summer resorts" is illustrative of an occasionally refreshing quality of expression. But the virtue of the book is not to any great extent epigrammatic. The author, indeed, seems quite willing to let his thought go clothed in others' garb, provided only the spirit be truly his. He quotes with great freedom: he cites Longinus, Solomon, the Declaration of Independence, writers of all sorts and ages, with facility and appositeness. There is always something taking in this Emersonian way of drawing in wisdom from all sources and using it for the present purpose with no false sense of congruity. It is done in the spirit of one who is really free of the literary commonwealth. The essays are agreeably bookish, and they are all warm with idealism. Professor Burton, half as scholar, half as poet, sets forth what may be called the literary gospel—the faith in the goodness and beauty of things that exist independently of religious teaching. He pleads for a poetic view of life compatible with common sense, and makes us feel that if we want to be happy we must truly cultivate the youthful side of ourselves, but that this cannot easily be done unless we cultivate also the arts of reflection and literary enjoyment as parts of the great art of living. More than once he says the obviously right thing with an unpretentiousness that leaves the sanity of his view almost too unimpressive. Writing of "matter-of-fact fiction," he remarks: "We can agree with Howells that the commonplace is precious, and yet leave room for the uncommon. And we cannot assent to the thing we know, yet welcome the fascinating hitherto unknown, for these larger experiences help us to grow."

HEBREW AND BABYLONIAN TRADITIONS. By MORRIS JASTROW, Jr., Ph.D., professor of Semitic languages in the University of Pennsylvania. New York: Charles Scribner's Sons, 1914.

Professor Jastrow's treatise, which is composed of the Haskell lectures delivered at Oberlin College in 1913, and since revised and enlarged, is highly readable; the treatment is on the whole popular rather than technical, although it is characterized by the conscientious accuracy and conservatism of scholarship. In expounding a complex subject, as full of uncertainty as of interest, the author's definiteness of aim and his unmistakable, consistent emphasis on the points he deems of most importance are most helpful.

When through a brief review of the historic evidence, we have been made to see the probability that Hebrews and Babylonians belonged to a common

racial stock, and to realize the numerous interactions and shiftings of population that went on between the two peoples in ancient times, the many resemblances between the Hebrew and Babylonian traditions become manifest without the need of much formal argument. It is upon the differences that the author has chosen to lay most stress. In the Biblical accounts of creation there is plainly much of the substance of the Babylonian story; there are traces of the Babylonian imagery and conception in the Psalms and notably in the Book of Job. But the point that comes out clearest is that, while the Babylonian accounts remain on the level of nature myths, the Hebrew version retains only so much of what is material and unspiritual as was necessary to embody the sentiment of popular tradition. In the first of the two Biblical accounts of creation which are joined in the Book of Genesis we find the literal words for "watery waste" and "void" in place of the personified forces of nature which appear in Babylonian narrative. The Hebrew story, moreover, substitutes a noble dignity and brevity, conducive to an ethical purpose, for the luxuriant literal detail of myth. In the second of the two Biblical stories, the conception of a tree of knowledge of good and evil is purely Hebrew, and it takes the place of the older conception of two trees, one of life and one of death. The corresponding Babylonian narrative tells how, through the intervention of a minor deity, man forfeited the chance of immortality offered him by the high gods, through his refusal to partake of the "food of life and the water of life." Of a similar conception there is a trace, but only a trace, in Genesis. In the same spirit the author compares the Hebrew and Babylonian ideas of the Sabbath, of immortality, and of ethics. In the Old Testament there are many indications, inconspicuous but significant, which tend to show that among the Jews the observance of the Sabbath was originally, as among the Babylonians, connected with the periods of the moon. But in time the conception was spiritualized. The idea of immortality underwent a similar transformation through prophetic teachings and national calamity. It is a little surprising to find that, apart from the cruelties of war, Babylonian ethical ideals were rather high. Babylonian and Assyrian ethics, however, "failed to find the corrective to the materialistic conception of life which is an unavoidable outcome of what we ordinarily regard as the progress of civilization." Professor Jastrow does full justice to the richness and variety of his theme, suggesting a number of interesting points of view and setting forth many curious matters of fact, while he devotes himself mainly to the work of conscientiously tracing a process of historic evolution in several of its most important aspects.

LETTERS TO THE EDITOR

OUR MEXICAN POLICIES

EAST WALPOLE, MASS.

SIR,—I read yesterday in the Boston *Sunday Herald* an article written by you on the Mexican policy of the Democratic Administration.

I want to congratulate you. It is a wonderful, clear, vigorous, straightforward statement and ought to do a great deal of good.

I wish it could be put into the hands of every citizen of this country. We are drifting upon the rocks, and nothing, perhaps, will save us, save public opinion, which would be exercised if your article could be read by every one.

CHARLES SUMNER BIRD.

NEW YORK.

SIR,—It was with the deepest interest and most sincere approval that I read your article, "We Appeal to the President," in the April number of THE NORTH AMERICAN REVIEW. Oh that he had heeded and followed the suggestions therein expressed! It would seem as though his sentiments so aptly quoted by you would have led him to reconsider his decision not to recognize Huerta as the head of the Government of Mexico. It was the sole concern of the Mexican people who was to be their head and in control of their Government; and the sole concern of other nations that the persons of their citizens and their property should be protected.

Mr. Wilson's personal sentiments toward Huerta, and his approval or disapproval of his actions in getting control of the Government, were totally insufficient to justify his refusal to recognize the actual government. Whether or not he has been misled by his sentimental Secretary of State, we can only lament the dreadful pass he has brought us to.

J. R. S.

NEW YORK.

SIR,—I want to thank you for your very able arraignment of our Government's policy toward Mexico. It has the right ring to it, without mincing matters or being personal. You speak as nine-tenths of our people feel who have feeling on this subject, but fail to and are unable to express same in such unsurpassed manner as you do. Your analysis of this all-important subject will be read by hundreds of thousands, and no doubt the Press of this country so long dormant will take heart and at least discuss your views. Would to God that our President had at least

one such fearless and able adviser in his Cabinet as you have proved yourself to be! Trusting your efforts will bear fruit and soon bring about the desired result, and with great admiration and appreciation of your manly advice,

I am,

J. R. DE LAMAR.

BALTIMORE.

SIR,—Having been a reader of THE NORTH AMERICAN REVIEW for the past three years, I am taking the liberty of addressing you concerning what appears to be "A Mexican Lesson."

Since the overthrow of the late President Madero, some fourteen months ago, this country has been face to face with what was generally referred to as the Mexican situation. Last month the so-called Tampico incident changed the Mexican situation into the Mexican crisis. As yet no one would care to prophesy what will come out of it all, but one undeniable fact has stood forth clearly and distinctly. The fact is that the present Administration's attitude toward Mexico and *de facto*, or self-styled, President Huerta has been diametrically opposed to the all but universal attitude of those men, here and abroad, trained and experienced in foreign affairs. In spite of this, the point of view of the average American has been that of casual or indifferent acquiescence. This undoubtedly was due in part to the American sense of fair play toward a new Administration. But it was also due, in great part, to the almost in-born feeling that, after all, foreign affairs and diplomacy are more or less of a joke. However, the marines shot at Vera Cruz, and the expenditure entailed so far affords better food for thought than laughter. It brings home the connection 'twixt diplomacy and war. It shows clearly the very practical value of the United States availing itself of the best possible talent in the Department of State and diplomatic service, especially as regards countries south of us. Furthermore, it indicates the danger of believing, as Mr. Bryan and so many Americans do, that "good intentions, high aspirations, and fine emotions are a substitute for clear thinking and exact knowledge."

In a case of illness people feel safer and happier when it is being attended by an experienced and qualified M.D. The doctor's knowledge and training can then be trusted to, as well as luck. The Mexican illness may be cured, or may not be cured—*quien sabe?* But as cases of this sort will arise, wouldn't it be wiser, wouldn't it pay better, for this nation to know that, no matter what happens, it has, at any rate, the services of the very best M.D.'s obtainable in the field of foreign affairs and diplomacy?

H. C. BLACK.

CANAL-TOLLS EXEMPTION

BOSTON.

SIR,—As a lawyer of modest though twenty years' practice, allow me to congratulate you upon your very able presentation of the Canal tolls question, with whose conclusions I entirely agree.

I had been so distressed with the mass of irrelevant argument both in and out of Congress on this subject that I sent to my local paper, the Woburn *Daily Times*, an article which I inclose. I was educated on this question by the masterly speech of Senator Root in the Senate, January 21, 1913.

My residence city is an industrial community ten miles from Boston, and there was so much misunderstanding of the issue that I determined that my townspeople should know something of Root's speech. I hope your own article will be read by every one who thinks at all on the subject.

I do not send you this clipping to burden you with the reading of it, but to show that, despite the popularity of tolls exemption, there are some local voices in local wildernesses trying to get a hearing for tolls repeal.

I am naturally elated at your able presentation, and again express to you my sincere congratulations on this splendid service of yours to the public.

SAMUEL W. MENIUM.

MORRISTOWN.

SIR,—You do not need any words of appreciation from me, but I am going to get them out of my system, just the same. The way you dissect great questions of the day fills me with admiration and helps to dispel pessimism, which threatens me. I have just finished a careful reading of your paper on the Panama Canal tolls question.

It is courageous, exhaustive, non-partisan, and does not remind us of that very apparent fault of the day in this country—failure to recognize that every question has at least two sides or there would be no question.

Yours sincerely,

A. C. H.

CHICAGO.

SIR,—I have been greatly interested in your editorials in regard to the Panama Canal tolls. It has occurred to me that a good deal of trouble might have been saved if the wording had been followed of one of the first treaties or agreements made with Great Britain.

Article 14, or the last article of the Capitulation of Yorktown, reads as follows: "No article of the Capitulation to be infringed on any pretext of reprisal; and if there be any doubtful expressions in it, they are to be interpreted according to the common meaning and acceptance of the words.

"Done at York in Virginia
the 9th of October, 1781.

Signed) Cornwallis
Thos. Symonds."

W. C. H.

ASHEVILLE, N. C.

SIR,—In connection with your article, "Why the President is Right," have you the time and inclination to respond to a question which I should very much like to have answered? We appropriated the land for the Panama Canal, land to which Great Britain could lay no claim; we built and paid for construction of the canal. Now, why was it necessary for us to make treaties with England regarding tolls, and, if necessary, why not with other countries?

E. SPRINGER.

Because, fifty years before we acquired the right of way, we entered into a treaty with Great Britain agreeing that all nations should have equal rights in the use of a canal, by whomsoever or wherever it might be built. It is simply a question of keeping faith.—EDITOR.

